

(c) Is it a fact that the Traffic Relieving Staff have submitted memorials to the authorities explaining the hardships inflicted by the curtailment of their allowance?

(d) Is it a fact that the Agent of the Eastern Bengal Railway represented to the Railway Board in the month of July 1931 to reconsider the matter? If so, will Government please state what the proposals of the Agent were and what action they have taken regarding them?

Mr. P. R. Rau: (a) Relieving staff, as the name implies, are intended to be sent out of headquarters occasionally to fill short vacancies. I understand that this does not ordinarily involve keeping up two establishments.

(b) The practice on different railways regarding relieving allowances was different, and in May last, the Railway Board decided to introduce the uniform practice of granting such staff the compensatory allowance, if any, admissible at headquarters and the usual travelling allowances admissible on tour. The whole question is, however, being reconsidered.

(c) Advance copies of memorials have been received.

(d) The Agent, Eastern Bengal Railway, has not yet submitted his remarks on these memorials, but he made a reference on the subject to the Railway Board in July, 1931, wherein he expressed the opinion that limiting allowances to 10 days would cause difficulties. The orders of September, 1931, which allow half daily allowance for a further period, are intended to minimise those difficulties, and he has not made further representations in the matter.

DISCONTINUANCE OF THE CAPITATION GRANT FOR EDUCATION OF RAILWAY EMPLOYEES.

756. ***Mr. N. M. Joshi:** (a) Is it a fact that the capitation grant, *vis.*, annas 8 per child of Railway employees, given to primary schools at Railway centres on the Eastern Bengal Railway, has been discontinued?

(b) Are Government aware that this discontinuance strikes at the very existence of the primary schools especially in the present financial stringency?

(c) Are Government prepared to reconsider the matter?

Mr. P. R. Rau: The Agent, Eastern Bengal Railway, reports that the capitation grant has not been discontinued.

REPLACEMENT OF VICEROY'S COMMISSIONED OFFICERS BY KING'S COMMISSIONED OFFICERS IN CERTAIN UNITS.

757. ***Rao Bahadur B. L. Patil** (on behalf of Mr. B. V. Jadhav): (a) Will Government be pleased to place on the table of the House a copy of the resolution under which Viceroy's Commissioned officers in the Indianised units are to be replaced by the King's Commissioned officers?

(b) Will Government be pleased to state whether the resolution has been brought into operation and the number of vacancies in the Viceroy's Commissioned officers that have not been filled on its account?

(c) Will Government be pleased to state whether they have satisfied themselves that the full implication of the resolution has been realised by the regiments which will be affected by it? What steps have Government taken to explain the consequences of the resolution to the Indian Army?

Mr. G. M. Young: (a) There is no such Resolution. A statement relating to the subject was made by the late Commander-in-Chief in his speech in this House on the 8th March, 1928.

(b) The measure has not yet been brought into operation. It will not be necessary to begin replacing Viceroy's Commissioned officers by Indian King's Commissioned officers in any Indianising unit, at the earliest until the first batch of officers Commissioned from the Indian Military Academy has completed its course, as well as one year of attachment to British units, i.e., not at any rate before the autumn of 1935. Even after this, the displacement of Viceroy's Commissioned officers will be a gradual process, as it will only take place in those units which have been selected for Indianisation.

(c) Government are fully alive to the importance of keeping the Indian Army acquainted with the consequences of their policy; and these will be explained in full to all ranks before they are brought into effect.

RECRUITMENT OF MEMBERS OF MARATHI AND CANARESE BACKWARD COMMUNITIES IN CENTRAL GOVERNMENT SERVICES.

758. ***Rao Bahadur B. L. Patil** (on behalf of Mr. B. V. Jadhav): Will Government be pleased to state whether they have considered the question of applying the rules made by the Government of Bombay for the recruitment of the non-Brahmin backward communities from the Marathi and Canarese speaking districts of that Presidency when recruiting servants in the departments directly under the Government of India, such as the Income-tax, Posts and Telegraphs, Customs, Salt, Mint, Security Press, Government Dockyard and State Railways within the territorial limits of that Presidency? If so, do they intend to apply those rules?

The Honourable Sir James Crerar: The Government of India have not specifically considered the question of granting representation to non-Brahmin backward communities of the tracts mentioned in Central Services, but they are considering how far it will be practicable to follow the practice of Local Governments in respect of communal representation in the services under their control, recruitment to which is made locally.

DISTINCTION IN PENSION CONDITIONS BETWEEN THE INDIAN ARMY SERVICE CORPS AND THE MILITARY ENGINEERING CORPS.

759. ***Dr. F. X. DeSouza** (on behalf of Lieut.-Colonel Sir Henry Gidney): (a) Is it a fact that the Indian Army Service Corps, the Military Engineering Corps and other such corps are entirely recruited in this country and are called "Indian Corps"?

(b) Will Government please state whether the pensions of officers belonging to these corps were considerably increased about the same time as the Indian Medical Department and are expressed in sterling?

(c) Is it a fact that A. I. (I.) No. 416 of 1924 has not been rescinded up to date and is it therefore still in force?

(d) Is it a fact that Government refuse to sanction sterling rates of pension in the case of the Indian Medical Department on the ground that it is an Indian recruited Department?

(e) Will Government please state why this distinction is made between one Indian recruited Department and another, viz., the Indian Medical Department and the Indian Army Service Corps?

Mr. G. M. Young: (a) Such corps and services form part of the Indian Army. The British personnel of the Indian Army Service Corps consists mainly of officers and men originally recruited in the United Kingdom and appointed to the Corps in India: military personnel of the Military Engineer Establishment are recruited mainly from Great Britain and sometimes from British units serving in India.

(b) and (c). Yes.

(d) and (e). Indian Medical Department pensions are expressed in rupees because members of the Department belong mainly to the domiciled community and are generally expected to reside in India after retirement, whereas British personnel of other ancillary services, such as the Indian Army Service Corps, are generally recruited for the Army in the United Kingdom, and may be expected to reside there on retiring.

HIGH WATER METER RENT IN NEW DELHI.

760. ***Mr. Bhuput Singh** (on behalf of Mr. Lalchand Navalrai): (a) Is it a fact that in privately owned houses in New Delhi a meter rent of Rs. 2 per month is charged in respect of water connections, whereas the meter rent for electric connections is Re. 1 a month only?

(b) Will Government kindly state the reason for the difference of rents in the two cases?

(c) Do Government propose to consider the desirability of reducing the present rate of water meter rent?

Sir Frank Noyce: (a) Yes.

(b) The cost of supervision and maintenance of water meters is higher than that in the case of electric meters.

(c) No.

QUARTERLY BILLS FOR WATER CHARGES IN NEW DELHI.

761. ***Mr. Bhuput Singh** (on behalf of Mr. Lalchand Navalrai): (a) Is it a fact that bills for water charges are sent to owners of private houses on a quarterly basis?

(b) Are Government aware that most of these houses are let out to tenants who are liable to change from time to time?

(c) Are Government aware that in actual practice the quarterly bills are not sent very expeditiously and although they are supposed to be quarterly bills, yet by the time they reach the landlords they sometimes

contain charges in respect of periods several months old; for instance, the quarterly bills recently received in the beginning of February, contain charges in respect of the month of September?

(d) Are Government aware that there is a possibility of the tenant living in September leaving the house by February and that it is very difficult to recover old bills from a tenant who is no longer occupying the house?

(e) Is it a fact that electric bills, on the other hand, are sent monthly?

(f) If so, do Government propose to consider the desirability of adopting a similar system in the case of water bills? If not, why not?

Sir Frank Noyce: (a) Yes.

(b) and (d). I have no direct information, but am prepared to accept the Honourable Member's statement.

(c) The bills are issued as a rule between the 23rd and the last date of the month following the quarterly period to which the charges relate. If owners of houses do not pay their bills on presentation, the arrears are included in subsequent bills.

(e) Yes.

(f) The suggestion will be brought to the notice of the Municipal Committee of New Delhi which has now taken over both these services.

PROPORTION OF ENGLISH AND INDIAN OFFICER INSTRUCTORS IN THE NEW INDIAN SANDHURST.

762. *Sirdar Sohan Singh: Will Government please state what will be the proportion of English and Indian officer instructors in the new Indian Sandhurst?

Mr. G. M. Young: No proportion has been fixed. Indian officers holding the King's Commission and possessing the requisite qualifications will be considered for appointment as instructors at the Indian Military Academy along with British officers.

PROMOTION OF INDIAN MILITARY OFFICERS.

763. *Sirdar Sohan Singh: (a) Is it a fact that up to the present not a single Indian King's Commission officer has been appointed a permanent Company or Squadron Commander?

(b) Is it not a fact that there are several Indian King's Commission officers, who are fully qualified, and that they have not been given the chance of a squadron or company command? Are Government aware that, in some cases, English officers have been brought from other units for the purpose of superseding Indian officers in the Indianised units? If the Indian officers of the Indianised units were not considered competent and that was the reason for their supersession, why were not other Indian officers in the other units of the same status not appointed to the Indianised units when the British officers were brought in?

Mr. G. M. Young: (a) Yes, because none of the officers is yet sufficiently senior. Many of them are, however, officiating as Company or Squadron Commanders.

(b) I think the Honourable Member has misunderstood the position. Advancement to squadron or company command is made when a vacancy occurs, and it does not follow because an individual officer may be qualified for such command that he is automatically promoted to it. There are many British officers in units of the Indian Army who are senior to the Indian officers, but have not yet been appointed permanent Company or Squadron Commanders.

The answer to the second part of the question is in the negative, and the third does not therefore arise. The only British officers who have been introduced into Indianising units have been those required for the appointment of second in command in the immediate future. The Indian officers are too junior as yet for this appointment.

AGE FOR ENTRANCE EXAMINATION FOR SANDHURST.

764. *Sirdar Sohan Singh: (a) Have Government considered the question of reducing the age standard of the Indian boys for the entrance examination for Sandhurst, say between 17 and 18 instead of 18 and 20?

(b) Is it a fact that the first batch of Indians for King's Commissions was recruited from those who were of 20 years or even older and that policy is maintained even up to now? Are Government aware that the consequence is that an Indian would be a Lt.-Colonel only after he is 48 or 49 years of age and that India will not have Indian commanding officers for another 15 to 20 years?

(c) Are Government prepared to make some amendments on this point by giving accelerated promotion to some selected Indian officers?

Mr. G. M. Young: (a), (b) and (c). Officers obtaining command of Indian battalions at the present time have generally about 25 years' service, and in some cases less. Indian King's Commissioned officers should therefore normally obtain promotion to the rank of Lieut.-Colonel before they are 47 years of age, and thus be able to complete their full tenure of command. As regards cadets from the Indian Military Academy, I would invite the Honourable Member's attention to paragraph 12 of the report of the Indian Military College Committee. Government have accepted the recommendations in this paragraph, and will take steps, where necessary, to amend the regulations so as to ensure that Indian officers will not be placed at a disadvantage by reason either of the length of the course at the Academy, or of the age of entry. It will not therefore be necessary to give accelerated promotion to selected Indian officers.

PROMOTION OF INDIAN MILITARY OFFICERS TO STAFF APPOINTMENTS.

765. *Sirdar Sohan Singh: Are Government aware that there is no Indian holding a General Staff appointment? If so, what are Government doing in that line? How many Indian officers are trained for staff duties and how many more have been earmarked for it?

Mr. G. M. Young: The Honourable Member's statement is correct. The reasons are that no Indian officer holding the King's Commission has yet qualified for admission to the Staff College, and very few of such officers have the length of service necessary for appointment to a staff

post. His Excellency the Commander-in-Chief has, however, great hopes that Indian officers will qualify for the Staff College in the near future and is prepared, if necessary, to give extra nominations from time to time to those who do so.

PROMOTION OF INDIANS IN THE INDIAN MEDICAL SERVICE.

766. *Sirdar Sohan Singh: Is it a fact that no Indian Indian Medical Service officer has been given any administrative job such as A. D. M. S. or such like? If so, why?

Mr. G. M. Young: The answer is in the negative. I would refer the Honourable Member to the reply that I gave on the 4th November to Mr. B. Das's starred question No. 1164.

GRANT-IN-AID FOR THE GIRLS' SCHOOL IN SAUGOR CANTONMENT.

767. *Sirdar Sohan Singh: (a) Is it a fact that the Cantonment Authority of Saugor has no school of its own to provide primary education to the girls of that Cantonment?

(b) Are Government aware that some philanthropic people of the Cantonment started a girls' school by private enterprise?

(c) Is it a fact that the school has since been recognised by the Education Department of the Central Provinces and is imparting education to about 150 girls?

(d) Is it a fact that for some years past the Cantonment Authority of Saugor has been giving a "grant" to the school and that just at present it is paying Rs. 75 per month as a grant-in-aid?

(e) Is it a fact that the Cantonment Authority has now informed the Managing Committee of the school that, owing to retrenchment, no grant will be paid to the school from 1st April, 1932?

(f) Are Government aware that the neighbouring Municipality of Saugor is spending about 30 per cent. of its revenue over "education" and that the Cantonment Authority is not spending even one-fourth of it, on that subject?

(g) Is it a fact that the guiding principle in the matter of providing education, as accepted by Government, is that the Cantonment Authority should spend the same percentage of its revenue on "education" as the neighbouring Municipality does?

(h) Are Government aware that if the grant is withdrawn, the school will be closed and there is no other girls' school in that Cantonment?

(i) Are Government aware that the people of the Cantonment are greatly agitated over this matter and have memorialised the Southern Command on the subject?

(j) Do Government propose to issue instructions that the grant be continued to be paid till the Board starts a girls' school of its own?

Mr. G. M. Young: (a) No, Sir. Girls are taught in the old Sadar Primary School for boys, which is wholly maintained by the Cantonment Authority.

(b) A girls' school was started by some private individuals about nine years ago.

(c) Yes.

(d) Yes.

(e) Yes.

(f) Yes, but against a total expenditure on Education of about Rs. 40,000 the Municipality received about Rs. 20,000 by way of grants and fees, whereas the Cantonment Authority's receipts on account of education was only Rs. 18.

(g) The establishment and maintenance of primary schools is one of the objects for which it is the duty of a Cantonment Authority to make reasonable provision, so far as funds at its disposal permit; and it has been suggested to Cantonments that the scale of expenditure on this subject should approximate as nearly as possible to that of the neighbouring municipality.

(h) No, Sir. The school was in existence before any grant was given from Cantonment funds. There are three other girls' schools in the cantonment, including the primary school maintained by the Cantonment Authority.

(i) No, Sir.

(j) Does not arise.

Dr. Ziauddin Ahmad: Do Government give special grants to these Cantonment Boards, which are earmarked for education?

Mr. G. M. Young: Will the Honourable Member kindly repeat the question?

Dr. Ziauddin Ahmad: Do Government give special grants to these Cantonment Boards, which are earmarked for primary education?

Mr. G. M. Young: Grants are given to some cantonments which are in need of supplementary funds, but no general grant is given to all cantonments for purposes of education.

Dr. Ziauddin Ahmad: My point is, are the grants specially intended for education, or does the money to be allotted for education depend upon the voting of the Cantonment Board?

Mr. G. M. Young: Grants to cantonment authorities depend on the circumstances of individual Cantonments.

| COMMERCIAL AUDIT IN GOVERNMENT FACTORIES.

768. *Mr. M. Maswood Ahmad (on behalf of Khan Bahadur Makhdum Syed Rajan Bakhsh Shah): (a) Is it a fact that the Commercial Audit Department has been decentralised?

(b) Is it a fact that commercial audit will now be conducted by officers of the Accountant General's Office assisted by Commercial Audit staff? Have such officers any commercial training?

(c) Is it a fact that before the introduction of the commercial audit there was a loss of more than five lakhs of rupees in one item of stock in the Metal and Steel Factory, Ishapore, and that since the introduction of the commercial system of accounts and up-to-date system of stock-taking, no such loss has occurred in any Government factory?

The Honourable Sir George Schuster: With your permission, Sir, I will deal with questions Nos. 768 and 769 together.

The Commercial Audit Branch has been decentralised. Government are obtaining certain information to enable them to reply fully to the Honourable Member's questions. Complete replies will be laid on the table in due course.

COMMERCIAL AUDIT IN GOVERNMENT FACTORIES.

769. ***Mr. M. Maswood Ahmad** (on behalf of Khan Bahadur Makhdum Syed Rajan Bakhsh Shah): (a) Is it a fact that a loss of nearly Rs. 5 lakhs was recently revealed by commercial auditors in the purchase and subsequent condemnation of Hazara Walnut in the Rifle Factory, Ishapore?

(b) Do Government propose to see that only commercial auditors are sent to audit the commercial concerns of Government?

(c) Do Government propose to see that in the scheme of decentralisation the auditors getting less than Rs. 200 do not suffer any financial loss in the matter of their pay and allowances?

Dr. Ziauddin Ahmad: About this loss of Rs. 5 lakhs which is referred to in question No. 769, is it a fact, and what action have Government taken if it is a fact?

The Honourable Sir George Schuster: If the Honourable Member will wait until I am able to lay a full reply on the table, I trust he will get a satisfactory answer to his question.

CONTRACTS FOR UNLOADING AND STACKING COAL ON THE GREAT INDIAN PENINSULA RAILWAY.

770. ***Lieut.-Colonel Sir Henry Gidney:** (a) Will Government please state whether it is a fact:

- (i) that the Loco. contracts of unloading coal wagons, loading engines and the stacking of coal on the Great Indian Peninsula Railway together with cleaning of Loco. sheds and the clearing of ash-pits are given out without asking for tenders from contractors;
- (ii) that particularly on the Bhusawal and Nagpur divisions these contracts have been the monopoly of a certain family;
- (iii) that these contractors secured these contracts at war rates and are still paid the same high rates; and
- (iv) that rates of labour now are much lower than the rates during the war?

(b) Will Government please state why this avenue of economy has not been tapped by the Great Indian Peninsula Railway?

†For answer to this question, see answer to question No. 768.

Mr. P. R. Rau: I have called for information and on receipt will lay a reply on the table.

IDLE LOCOMOTIVES OF THE GREAT INDIAN PENINSULA RAILWAY.

771. ***Lieut.-Colonel Sir Henry Gidney:** (a) Is it a fact that there are at present at the Loco. Depot of the Bhusawal Division of the Great Indian Peninsula Railway alone over 50 locomotives lying idle and put away in the sidings?

(b) Will Government please state what they intend to do with these idle engines? Is it a fact that there is not sufficient traffic?

Mr. P. R. Rau: (a) Government are aware that the Great Indian Peninsula Railway have a number of locomotives spare at the present time owing to the falling off in traffic. They are not aware of the number stabled on each division.

(b) Some locomotives have already been transferred from the Great Indian Peninsula Railway to other railways. Other locomotives now surplus will be stabled, until traffic improves. There is not sufficient traffic at present to give full employment to locomotives now in service.

COSTLY ELECTRIFICATION SCHEME ON THE GREAT INDIAN PENINSULA RAILWAY.

772. ***Lieut.-Colonel Sir Henry Gidney:** (a) Will Government please state whether it is a fact:

- (i) that the introduction of the electrification scheme on the Great Indian Peninsula Railway, in the Bombay Division, has proved to be more expensive than the steam system;
- (ii) that Messrs. Tata & Sons offered to supply electricity for one anna six pies per unit for this scheme; and
- (iii) that at present it costs the Great Indian Peninsula Railway annas six per unit?

(b) If the answers to part (a) items (i), (ii) and (iii) are in the affirmative, will Government please state who was responsible for this unnecessary and heavy expenditure?

(c) Do Government propose to enquire into the matter? If not, why not?

Mr. P. R. Rau: (a) (i) and (c). The schemes have not been in existence long enough for any final conclusion to be arrived at; but the Railway Board propose to institute an investigation into them during the course of the next 12 months.

(a) (ii). Electricity is being supplied by Messrs. Tata & Sons for the suburban line electrification, the charge being Rs. 50 per annum per kilowatt of maximum demand in addition to a rate 0.425 anna per unit of actual consumption and subject to a minimum payment of the minimum guaranteed consumption at 0.6 anna per unit.

An offer was made by Messrs. Tata & Sons to supply current for the main line electrification on the same terms; they would, according to calculations made by the Consulting Electrical Engineers to Government, have worked out at 0.633 anna per unit.

(a) (iii). For the main line scheme the cost of supplying electricity from the Great Indian Peninsula Railway Power House was estimated to be 0.665 anna per unit dropping to 0.594 anna per unit with a 30 per cent increase in load.

The exact extent to which this estimate has been realized is at present not known definitely; but the question will form part of the investigation to be undertaken.

(b) Does not arise.

Dr. Ziauddin Ahmad: With all the figures quoted by the Honourable Member, will he be in a position to say whether the electrification scheme is a paying concern and how much per cent. it has yielded last year?

Mr. P. R. Rau: I have just informed the House that the exact extent to which the estimates have been realised is at present not known definitely, but the question will form part of the investigation to be undertaken.

INEFFECTIVENESS OF THE CREW SYSTEM OF RAILWAY TICKET CHECKING.

773. *Lieut.-Colonel Sir Henry Gidney: (a) Is it a fact that the crew system on the Great Indian Peninsula Railway, although it has been in force for a number of years, has not in any appreciable degree lessened the number of passengers travelling without tickets?

(b) If the answer to part (a) is in the affirmative, will Government please state why the crew system is still continued on that Railway?

Mr. P. R. Rau: (a) Government have no information as to the number of passengers detected travelling without tickets on those sections of the Great Indian Peninsula Railway where the crew system operates.

(b) The system is being continued as it provides a more intensive check than is otherwise possible and its continuance is considered desirable by the Administration.

Dr. Ziauddin Ahmad: May I ask whether the opinion given about the efficiency is the opinion of the Railway Board or the opinion of the administration of the Great Indian Peninsula Railway?

Mr. P. R. Rau: It is the opinion of the administration of the Great Indian Peninsula Railway. The Railway Board have not come to any definite opinion on the subject yet.

RETENTION OF A LARGE AND EXPENSIVE FUEL STAFF ON THE GREAT INDIAN PENINSULA RAILWAY.

774. *Lieut.-Colonel Sir Henry Gidney: (a) Is it a fact that the average consumption of coal used on the Great Indian Peninsula Railway locomotives has been tested and worked out to its lowest?

(b) If the answer to part (a) is in the affirmative, will Government please state the reasons for the retention of such a very large and expensive fuel staff as is at present engaged on the Great Indian Peninsula Railway?

Mr. P. R. Rau: (a) The consumption of coal by locomotives depends on a number of continually varying factors and only by close and constant supervision can the consumption be kept to a minimum.

(b) For a railway the size of the Great Indian Peninsula Railway the staff employed is neither large nor expensive, it far more than pays for its cost.

RE-AMALGAMATION OF THE COMMERCIAL AND TRANSPORTATION DEPARTMENTS OF THE GREAT INDIAN PENINSULA RAILWAY.

775. *Lieut.-Colonel Sir Henry Gidney: (a) Is it a fact that till a few years ago the Commercial and Transportation Departments of the Great Indian Peninsula Railway were jointly under the control of the General Traffic Manager of the Railway?

(b) Is it a fact that these two Departments are now separated each under different staff of officers in receipt of high salaries?

(c) Do Government propose to consider the advisability, in the interests of economy and in its present campaign of retrenchment, of re-amalgamating these two Departments? If not, why not?

Mr. P. R. Rau: (a) and (b). From 1st November 1922 the Traffic Department under a General Traffic Manager and the Locomotive Department under a Locomotive Superintendent were replaced by a Commercial Department under a Chief Traffic Manager, a Transportation Department under a Chief Transportation Superintendent and a Mechanical Department under a Chief Mechanical Engineer.

(c) I would refer the Honourable Member to the reply given to Mr. Joshi's question No. 492 on the 23rd February, 1932.

†776.

THE MOODY-WARD AND CREW SYSTEMS OF TICKET CHECKING.

777. *Shaikh Fazal Haq Piracha: With reference to the reply to question No. 230, part (d), dated the 10th February, 1932, will Government be pleased to state why the Moody-Ward system was not tried on sections where the crew system was experimented upon, as was also suggested by Dr. Ziauddin Ahmad in his letter dated the 8th May, 1931, to the Secretary, Railway Board (which has been printed in the Railway Retrenchment Sub-Committee's Report)?

Mr. P. R. Rau: The system recommended in the Moody-Ward Committee's Report is in operation now throughout the East Indian Railway, which includes the sections on which the crew system was in force.

ALLOWANCES OF TRAVELLING TICKET EXAMINERS AND OF GUARDS AND DRIVERS.

778. *Shaikh Fazal Haq Piracha: (a) With reference to the answer to question No. 1121, dated the 2nd October, 1931, in the Legislative Assembly, will Government please state in what respects the duties of the

†This question was withdrawn by the Questioner.

Travelling Ticket Examiners are less arduous than those of the guards so far as the travelling aspect of their duty is concerned for which mileage allowance is given to the running staff?

(b) Will Government please state why the Travelling Ticket Inspectors of the East Indian Railway were paid mileage allowance like the guards till they were designated as Travelling Ticket Examiners?

(c) Will Government please state if the abolition of mileage allowance to the Travelling Ticket Checkers is to effect economy? If so, why are the guards and drivers still allowed to draw mileage allowance?

(d) Will Government please state how much saving per year could be effected on the East Indian Railway alone, if the guards and drivers were given consolidated allowance in place of mileage allowance at the same rate as the T. T. Es.?

Mr. P. R. Rau: With your permission, Sir I propose to reply to questions Nos. 778, 779, 780 and 782 together. I have called for certain information and will lay a reply on the table, in due course.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House whether the Government intend taking any action in regard to the question of T. T. Es. as reported on by the Court of Inquiry especially on the E. B. Railway which appears in the B List of cases cited by Court of Inquiry.

Mr. P. R. Rau: That question does not arise.

Lieut.-Colonel Sir Henry Gidney: It arises in regard to the mileage allowances, which forms part of the question under reply and is one of the serious complaints made by the T. T. Es.

Mr. P. R. Rau: I cannot understand how the question arises.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member has said that information is being collected and will be laid on the table. How can any question arise at this stage?

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House whether the Railway Board (a) has really got any collection boxes, (b) where they place them and who collects information for them?

Mr. P. R. Rau: Not that I know of.

Dr. Ziauddin Ahmad: About a month ago your predecessor said on the floor of the House that he is making an inquiry from the Agents. How long are you going to wait. Will the information be supplied before we disperse?

Mr. P. R. Rau: As soon as I get the information, I will place it on the table.

APPEALS OF TRAVELLING TICKET INSPECTORS TO THE SECRETARY, RAILWAY BOARD.

†779. ***Shaikh Fazal Haq Piracha:** (a) Will Government be pleased to state if the Railway subordinates have no right of appeal to the Secretary, Railway Board, in case they feel aggrieved against any action taken by the Agent?

†For answer to this question, see answer to question No. 778.

(b) Will Government please state if the Divisional Superintendents have got the power to withhold the appeals of their subordinates sent through them but addressed to the Secretary, Railway Board, against the action of the Agent especially when they are couched in proper language and based on facts?

(c) Will Government please state what action was taken by the Railway Board authorities on the copies of the said appeals, which were sent direct by the Travelling Ticket Inspectors of the East Indian Railway to the Secretary, Railway Board?

REDUCTION IN THE SALARY OF TRAVELLING TICKET CHECKERS ON THE EAST INDIAN RAILWAY.

†780. ***Shaikh Fazal Haq Piracha:** Will Government be pleased to lay on the table a copy of the reply given if any to the letter addressed by Sir Henry Gidney to the Secretary, Railway Board, as published in the *Hindustan Times*, dated 8th July 1931, concerning reduction in the salary of the Travelling Ticket Checkers on the East Indian Railway?

TICKET CHECKING SYSTEM ON THE EAST INDIAN RAILWAY.

781. ***Shaikh Fazal Haq Piracha:** Will Government be pleased to lay on the table a copy of the reply given, if any, to the letter of Doctor Ziauddin Ahmad addressed to the Secretary, Railway Board, regarding the ticket checking system on the East Indian Railway as printed in the Railway Retrenchment Sub-Committee's Report?

Mr. P. R. Rau: The letter to the Secretary, Railway Board, does not contain the last two paras. appearing in the copy of Dr. Ziauddin Ahmad's letter, as printed on page 78 of the Railway Retrenchment Sub-Committee's Report. No reply was sent to Dr. Ziauddin.

Dr. Ziauddin Ahmad: If any Member of the Legislative Assembly addresses a letter to the Secretary of the Railway Board, is it not courtesy to acknowledge the receipt of that letter?

Mr. P. R. Rau: May I explain that? I understood from the Secretary that my Honourable friend wanted to interview Sir Alan Parsons or the Member in charge of traffic in the Railway Board on the question and a reply was postponed pending the interview.

Lieut.-Colonel Sir Henry Gidney: In regard to appeals of railway subordinates will the Honourable Member inform this House whether the Government of India intend to accept the Court of Inquiry recommendations to constitute complaints committees to be attached to each Railway Administration? If not, why not?

Mr. P. R. Rau: May I ask whether this question arises out of the main question? I should like to ask for notice of that question.

Dr. Ziauddin Ahmad: When I sent the letter to the Secretary of the Railway Board, the Secretary never acknowledged it. I spoke to him

†For answer to this question, see answer to question No. 778.

personally and he had no recollection whatever whether he received that letter, and probably the letter was never presented to him.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member is making a statement.

POSTS OF TICKET COLLECTORS ON THE EAST INDIAN RAILWAY PROMOTED
TO TRAVELLING TICKET EXAMINERS.

†782. ***Shaikh Fazal Haq Piracha:** Will Government please state if the posts of the permanent Ticket Collectors on the East Indian Railway who have been promoted as T. T. Es. have been permanently filled up or will remain open for them, if they are not confirmed as T. T. Es. and necessity arises to revert them to their substantive posts?

PASSENGER TRAFFIC RECEIPTS IN THE EAST INDIAN RAILWAY.

783. ***Shaikh Fazal Haq Piracha:** Will Government please state if the period from June, 1931 to November, 1931, was more prosperous for the East Indian Railway than the corresponding period of the previous year in respect of passenger traffic?

Mr. P. R. Rau: I presume the Honourable Member refers to the number of passengers carried and the earnings therefrom during the period. If so, the number of passengers carried from 1st June to 30th November, 1931, was 30,090,048 compared with 32,808,208 in the corresponding period of the previous year, and the earnings from the passengers carried was Rs. 2,43,87,847 compared with Rs. 2,60,29,765 in the previous year.

SUCCESS OF CANDIDATES IN SUBORDINATE ACCOUNTS SERVICE EXAMINATIONS.

784. ***Bhagat Chandi Mal Gola:** (a) Is it a fact that the result of the subordinate accounts service examination (ordinary branch) for the year 1931 is that 7 per cent. of the candidates who appeared in the examination were successful?

(b) Is it a fact that the results of the previous years' examinations are that between 25 to 40 per cent. of the candidates passed? What is the reason for this great difference?

The Honourable Sir George Schuster: Enquiry is being made and a reply will be laid on the table in due course.

ECONOMY AND SAFETY OF ELECTRIC SUPPLY.

785. ***Rao Bahadur B. L. Patil:** (a) Has the attention of Government been drawn to the article entitled 'Electric Power Supply in India' by Prof. B. C. Chatterjee of the Benares Hindu University, in the issue of 25th February, 1932, in the *Hindustan Times*, Delhi?

(b) If so, do Government propose to undertake immediate legislation on the subject in the interests of economy and safety of the general public?

†For answer to this question, see answer to question No. 773.

The Honourable Sir Joseph Bhore: (a) Yes.

(b) The attention of the Honourable Member is invited to the replies given to starred questions Nos. 4 and 683 on the 26th January and 7th March, 1932, respectively.

CONSTRUCTION OF A RAILWAY LINE BETWEEN HUBLI AND KUMPTA.

786. ***Rao Bahadur B. L. Patil:** (a) Is it a fact that the Madras and Southern Mahratta Railway were some time back contemplating the construction of a Railway line between Hubli and Kumpta or some other seaport on the west coast?

(b) If so, is it a fact that the scheme was not further proceeded with owing to financial difficulties?

(c) Are Government aware that merchants of Karnatak undergo several difficulties in their import and export trade through Marmagaoa Harbour owing to the fact that their goods have to pass through the Portuguese territory?

(d) If so, are Government in a position to estimate the annual loss to the traders and business men?

(e) If not, are Government prepared to appoint an officer to report as to the total loss and the ways and means of doing away with the various difficulties?

Mr. P. R. Rau: (a) About 1920 the Madras and Southern Mahratta Railway investigated a proposal for an extension from Hubli to Sirsa; but not from Sirsa to Kumpta or other seaport.

(b) No, the investigation proved that the line would not pay.

(c) A memorial was received, asking for the construction of various lines.

(d) and (e). No.

COMMUNITIES OF NEW RECRUITS REQUIRED FOR EXTRA WORK IN THE
INCOME-TAX DEPARTMENT, BOMBAY.

787. ***Rao Bahadur B. L. Patil:** (a) Will Government state how many temporary posts of Clerks, Inspectors, Examiners and Officers were filled up owing to the reduction of the taxable minimum of Income-tax in the Bombay Presidency (excluding Sindh) by Divisions?

(b) Will Government further state, by each Division in a tabulated form, how many of the new recruits are Parsis, Muhammadans, Indian Christians, Brahmins, Non-Brahmins and others; comparing the present strength with the strength of the respective communities that existed before the recruitment?

The Honourable Sir George Schuster: The information has been called for and will be laid on the table in due course.

COMMISSIONERS AND ASSISTANT COMMISSIONERS OF INCOME-TAX IN BOMBAY.

788. *Rao Bahadur B. L. Patil: Will Government be pleased to state how many Commissioners and Assistant Commissioners there are in the Income-tax Department in the whole of the Bombay Presidency and to what communities they belong?

The Honourable Sir George Schuster: There is one Commissioner who is a Parsi. Of 6 Assistant Commissioners, 1 is a Mussalman, 1 an Anglo-Indian, 1 a Sikh and 3 are Parsees.

REPRESENTATION OF THE VARIOUS COMMUNITIES IN THE INCOME-TAX DEPARTMENT, BOMBAY.

789. *Rao Bahadur B. L. Patil: (a) Have Government ascertained from the Commissioner of Income-tax, Bombay, whether the instructions issued by the Government of India regarding the adequate representation of the different communities obtaining in the Presidency have been followed?

(b) If so, what is the result? If not, do or do not Government think it necessary to do so?

The Honourable Sir George Schuster: (a) and (b). I invite the Honourable Member's attention to my reply to parts (b) and (c) of starred question No. 1282 relating to the recruitment of Non-Brahmins to the Income-tax Department in the Bombay Presidency that he asked on 13th November 1931. The Government do not consider that there is any necessity to supplement the somewhat exhaustive inquiries that they have already made at the Honourable Member's instance.

THE PROVINCIAL BOUNDARIES QUESTIONS.

790. *Rao Bahadur B. L. Patil: (a) Will Government please state whether and when the boundary question will be taken up?

(b) If the answer to part (a) be in the affirmative, will Government further state whether the subject has been included in the terms of reference of any of the Indian Round Table Conference Committees now functioning in India?

(c) If not, do Government propose to set up another Committee? And if so, when?

The Honourable Sir George Rainy: (a) For the reasons given in paragraph 21 of their constitutional despatch dated the 20th September, 1930, the Government of India do not intend at present to appoint a Boundaries Commission with general terms of reference to examine the redistribution of provincial areas.

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

†791.*

†This question has been included in the list of questions for the 15th March, 1932.

ABOLITION OF THE LOWEST SELECTION GRADE EXAMINATION IN THE POST OFFICE.

†792. *Mr. S. C. Mitra: (a) Will Government be pleased to state whether it is a fact that they have abolished the lowest selection grade examination in the Post Office and R. M. S.?

(b) Is it a fact that in October 1931 the Director General of Posts and Telegraphs issued a circular inviting candidates to appear at the lowest selection grade examination which was to be held on the 14th and 15th March, 1932?

(c) Is it a fact that the candidates were required to purchase books at their own expense and are Government aware that they had to take leave to prepare themselves for the examination?

(d) Is it a fact that only on the 17th February, 1932 the Director General of Posts and Telegraphs issued orders that the examination would be abolished?

(e) Will Government be pleased to state whether they propose to pay compensation to the candidates who were put to extra expenditure in purchasing books and had to take leave for no purpose? If so, what compensation?

(f) Will Government be pleased further to state as to how the lowest selection grade posts will be filled up in the Post Office and Railway Mail Service?

(g) Will the senior clerks in the Department, although they have not passed the examination, get promotion in the lowest selection grade?

Mr. T. Ryan: (a) Yes.

(b) No. The circular merely notified the dates of the examination and the classes of officials to whom it would be open.

(c) No, candidates who purchased books, or took leave in preparation for the examination did so on their own initiative and in their own interests.

(d) Yes.

(e) Government do not propose to pay compensation since those candidates who purchased books or took leave, did so in their own interests.

(f) and (g). Promotions to the lowest selection grade posts in the Post Office and Railway Mail Service in the general line, i.e., excluding (i) Inspectors and Postal Divisional Head Clerks and (ii) Accountants and Assistant Accountants, will be made from the seniority list of time-scale clerks by selection based on an official's past record and known capabilities irrespective of the fact whether he has passed the lowest selection grade examination or not. Promotions to the posts of Inspectors and Postal Divisional Head Clerks will be made from the existing 'junior' passed candidates or those who pass the new Inspector's examination. The posts of Accountants and Assistant Accountants in the lowest selection grade will be filled according to seniority combined with fitness, by officials who have passed the Accountant's examination.

Dr. Ziauddin Ahmad: May I know why the examination was first announced and then abolished at such short notice?

Mr. T. Ryan: An examination was introduced in the hope that it would furnish a satisfactory means of testing the fitness of the members of the

clerical staff for promotion. It has been found in practice that it has not served that purpose and it is practically impossible to devise an examination which will serve that purpose having regard to the age and other disabilities of the men who aspire to promotion to the lowest selection grade.

Dr. Ziauddin Ahmad: What were the reasons which led the department to abolish the examination. Why were not these things considered when they announced the examination, because by this method the department loses its credit?

Mr. T. Ryan: At the time that the examination was introduced, Government were not in possession of experience which subsequently led them to reconsider the matter.

Dr. Ziauddin Ahmad: There was the whole of the Education Department at their disposal. If the Postal Department had not experience of the examination, they ought to have utilized the services of the Education Department.

Mr. T. Ryan: I do not think the Education Department would have been able to give much valuable advice in connection with a purely departmental examination of this kind.

EXAMINATION FOR APPOINTMENT OF INSPECTORS AND HEAD CLERKS OF POST OFFICES.

793. ***Mr. S. C. Mitra:** (a) Is it a fact that Government have decided to introduce an examination for appointment of Inspectors of Post Offices and R. M. S. and Head Clerks to Divisional Superintendent of Post Offices, in the Post Office and R. M. S.?

(b) If so, what will be the syllabus of examination and what will be their pay after their appointment?

(c) When will the examination be held and whether all clerks or sorters who have not exceeded 35 years of age will be eligible to appear at the examination? If not, why not?

(d) What would be the qualifications of the candidates for appearing at the above examination?

Mr. T. Ryan: (a) Yes.

(b), (c) and (d). The rules and syllabus for the examination are at present under consideration, but the introduction of an examination has nothing to do with the pay of the posts.

ALLOWANCE FOR STAFF ENGAGED IN SORTING FOREIGN MAIL IN CALCUTTA.

794. ***Mr. S. C. Mitra:** (a) Is it a fact that in Calcutta inward foreign mails are being sorted by auxiliaries drafted from several departments of the Calcutta General Post Office, and some of the town sub-offices without payment of any allowance?

(b) Is it a fact that although they are required to attend to their duties before 6-0 A.M., they do not get any conveyance allowance?

(c) Is it a fact that in Bombay and Madras inward foreign mails are sorted on payment of overtime allowance and it is only in Calcutta the payment of the allowance has almost been stopped?

(d) Is it also a fact that only about 70 clerks working in the Calcutta General Post Office, and some of the town sub-offices are required to do this work on alternate Sundays while there are many who, although they remain off duty on Sundays, have been exempted from this duty?

(e) Will Government be pleased to supply a statement showing the number of clerks who remain off duty on Sundays in (i) Bombay, (ii) Madras, (iii) Calcutta and (iv) Rangoon including their T. S. Os. and what is the total clerical strength in each of the above cities?

(f) Is it also a fact that some of the clerks, one Supervisor, one Assistant Presidency Postmaster of the Calcutta General Post Office, get overtime allowance while others work without getting any allowance? Do they work at the same time and under the same condition?

(g) Do Government propose to inquire into the matter and arrange to pay them overtime allowance as was done before in order to remove this hardship? If not, why not?

Mr. T. Ryan: (a), (b), (c), (d), (f) and (g). Information is being collected and will be placed on the table of the House in due course.

(e) Government regret that they are unable to furnish the statement called for as the labour required for its compilation would be excessive.

NUMBER AND COMMUNITIES OF STAFF IN EACH DIVISION OF THE NORTH WESTERN RAILWAY.

795. ***Mr. M. Maswood Ahmad:** Will Government be pleased to place on the table of this House a statement showing the latest available figures in regard to the number of the present staff by communities, viz., Hindus, Muslims, and Christians or Anglo-Indians holding the under-mentioned posts in each Division of the North Western Railway?

1. Office Supdt., Divl. Office.	7. Hd. Clerk, Loco. Foreman's Office.
2. Hd. Personnel Clerk, Divl. Office.	8. Hd. Clerk, S. D. O.'s Office.
3. Chief Controller, Divl. Office.	9. Hd. Clerk, I. O. W.'s Office.
4. Confidential Clerk, Divl. Office.	10. Hd. Correspondence Clerk, S. M.'s Office.
5. Acme Clerk, Divl. Office.	11. Chief Goods Clerk, S. M.'s Office.
6. Relg. Clerk, Divl. Office.	12. Chief Parcel Clerk, S. M.'s Office.

Mr. P. R. Rau: Government regret that they are not prepared to supplement with figures for individual offices the information in regard to communal representation given in the Annual Report by the Railway Board on Indian Railways.

MUSLIMS APPOINTED AS OFFICE SUPERINTENDENTS AND HEAD CLERKS ON THE NORTH WESTERN AND EAST INDIAN RAILWAYS.

796. ***Mr. M. Maswood Ahmad:** (a) Will Government please state how many Muslims have during the last 2 years, viz., 1930 and 1931, been posted permanently as Office Superintendents stating the Divisions of the North Western Railway and East Indian Railway and how many Head Clerks, stating the Branches and Divisions of the North Western Railway?

(b) Will Government please state whether these Head Clerks were merely designated as Head Clerks in the same grade which they were already holding, or whether they were given the very grade of the post which their predecessors were holding; if not, why not?

(c) What was the nationality of the predecessors of these Head Clerks?

Mr. P. R. Rau: (a) The information available shows that on the East Indian Railway 14 posts of office Superintendents and Head Clerks were held by Muslims in 1930 and 16 in 1931 and on the North Western Railway 39 in 1930 and 40 in 1931.

(b) On the East Indian Railway these Head Clerks were given the same grade as that which their predecessors held and the position is understood to be the same on the North Western Railway.

(c) Government have no information.

APPOINTMENT OF INDIANS AS SUPERINTENDENTS OF POST OFFICES IN KASHMIR.

797. ***Shaikh Sadiq Hasan:** (a) Will Government please state when the post of Superintendent of Post Offices was created in Kashmir Province?

(b) Has any Indian Superintendent ever been posted there; if not, why not?

(c) Are Government prepared to see that Indians are also posted there in future?

Mr. T. Ryan: (a) The post was created in 1897.

(b) Yes.

(c) The postings in question are made by the Postmaster-General, Punjab, and Government do not propose to interfere with his discretion as regards future postings. A copy of the Honourable Member's question and of this answer will however be sent to him.

REPORT OF THE RAILWAY COURT OF INQUIRY.

798. ***Mr. N. M. Joshi:** (a) Will Government be pleased to state on what date they received the Report of the Court of Inquiry into Railway Retrenchment?

(b) When will Government be able to publish the Report mentioned above?

The Honourable Sir Joseph Bhoré: (a) On 29th February, 1932.

(b) The Report has already been published.

Mr. N. M. Joshi: May I ask what the Government propose to do in order to give effect to the recommendations of the Report?

The Honourable Sir Joseph Bhoré: Sir, I think the Report is under the consideration of the Departments of the Government of India concerned at present.

Mr. N. M. Joshi: May I ask whether Government will consult the All-India Railwaymen's Federation before giving effect to the recommendations of the Report?

The Honourable Sir George Rainy: It is quite impossible for me, Sir, at this stage to say what the Government will do.

Mr. N. M. Joshi: May I ask why it is impossible?

The Honourable Sir George Rainy: Because there has not been sufficient time for the consideration of the Report.

INJUSTICE TO MUSLIMS IN THE POSTAL DEPARTMENT.

*799. ***Khan Bahadur H. M. Wilayatullah:** (a) Has the attention of Government been drawn to the article which appeared in the daily *Hamdam* of Lucknow, dated the 29th February, 1931, page 3, column 3, under the caption "Injustice to Muslims in the Postal Department"?

(b) Is it a fact that recently there were 11 vacancies in the office of the Postmaster General, Lucknow, for which applications were invited from candidates?

(c) Is it a fact that only one Muslim who is a graduate was selected?

(d) Is it a fact that ten non-Muslim candidates were selected?

(e) Is it a fact that some of these ten candidates who were selected are non-matriculantes?

(f) Is it a fact that some of the Muslim candidates who were not selected had passed the Intermediate examination and also the examination held by the Department?

(g) If so, will Government please state why non-Muslim candidates were taken in preference to Muslim candidates who were better qualified?

The Honourable Sir Joseph Bhoré: (a) to (g). Government have seen the article in question but information on the points raised by the Honourable Member is being called for and a complete reply will be placed on the table of the House in due course.

CONFIRMATION OF PROBATIONERS IN THE EAST INDIAN RAILWAY ACCOUNTS DEPARTMENT.

800. ***Pandit Satyendra Nath Sen:** (a) Are Government prepared to ascertain from Mr. Sankarā Iyer, late Chief Accounts Officer, East Indian Railway, at present Chief Accounts Officer, Great Indian Peninsula Railway, as to whether he gave a ruling on the eve of his transfer, to the following effect, after reviewing the case of the probationers in the East Indian Railway Accounts Department:

"What has 'Seniority List' got to do with the confirmation of the probationers? Did not the Controller of Railway Accounts tell us to confirm these probationers and treat them as supernumeraries till their final absorption in the Department?"

(b) Will the Honourable Member be pleased to state why the probationers, though they are senior to all other classes of temporary staff, are not being confirmed against existing permanent vacancies?

(c) Is the Honourable Member aware that letter No. 26-C. R. A.—E./32/8141-F., dated the 18th February, 1932, from the Controller of Railway Accounts, to the Chief Accounts Officer, East Indian Railway, on the subject of discharge of staff, was issued without regard to the provisions contained in paragraph 1 (i) of letter No. 336/C. R. A./E./30, dated the 1st November, 1930, from the same authority?

(d) If so, do Government propose either to rescind or amend the instructions conveyed in letter No. 26-C. R. A.—E./32/8141-F., dated the 18th February, 1932, cited above?

(e) If Mr. Iyer gave the above ruling, do Government propose to take suitable departmental action against those responsible for disregarding that order?

POSTAL INCOME AND INCREASED POSTAGE.

172. **Rai Bahadur Lala Brij Kishore:** (a) Will Government be pleased to state whether their postal income has been more or less or stationary since the increased rate came into operation, as compared with the corresponding months of the previous years?

(b) Is it a fact that since the increased postage rate came into operation the public are spending a less amount on postage than what they used to do before?

(c) If the reply to part (b) above is in the affirmative, will Government be pleased to supply to this House a monthly figure of the sale of stamps for the last six months and the figure for the corresponding months of the previous year?

Mr. T. Ryan: (a), (b) and (c). The increases in postal and telegraph rates were brought into force from various dates, and January 1932, was the first month in which all the increases were effective for an entire month. As will be seen from the accompanying statement, the postage and message revenue of the Department has been more since October, 1931 than that in the corresponding months of the last year.

Statement comparing the total postage and message revenue for the 10 months from April, 1931 to January, 1932, with that of the corresponding months of the previous year.

(Figures are in thousands of rupees).

Months.	Total postage and message revenue during 1930-31.	Total postage and message revenue during 1931-32.	Increase+ Decrease—
	Rs.	Rs.	
April	78,04	86,17	—11,87
May	76,77	66,85	—9,92
June	70,09	69,06	—1,03
July	73,52	68,35	—5,17
August	66,74	67,51	+77
September	69,03	64,27	—4,76
October	70,99	74,94	+3,95
November	66,52	70,08	+3,56
December	76,37	73,22	—3,15
January	78,11	86,96	+8,75

MOTION FOR ADJOURNMENT.

EXCESSES OF THE POLICE IN DELHI AND DESECRATION OF THE MOSQUE OF KUCHA RAHMAN.

Mr. President: Order, order. I have received a notice from Mr. Maswood Ahmad and also from Sayyid Murtuza Saheb Bahadur that they propose 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:

"The excesses of the police in Delhi on Saturday last and the desecration of the mosque of Kucha Rahman."

I have to inquire whether any Honourable Member has any objection to this motion.

As no objection is taken, the motion will be discussed at 4 o'clock.

ELECTION TO THE STANDING ADVISORY COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Mr. President: Order, order. I have to inform the Assembly that Rao Bahadur Patil has been elected to the third vacancy on the Standing Advisory Committee for the Department of Education, Health and Lands. (Cheers.)

THE GENERAL BUDGET—LIST OF DEMANDS.

SECOND STAGE.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. The House will now proceed to take up the second stage of the consideration of the Budget—Demands for Grants. In this connection the Chair has been approached with a suggestion in which, the Chair is informed, there is general agreement of the House, that a special procedure should be adopted on this occasion. The procedure suggested is that, out of the six days which are allotted for the discussion of Demands for Grants, the first day should be allotted to the Nationalist Party, the second day to the Independent Party, half of the third day to the European Group and the other half to the United India Party, and the fourth day to those Honourable Members who do not belong to any party. The remaining two days should be devoted to economy cuts, and not to censure motions. On the days which are allotted to the respective Parties and to the unattached group, a representative of such party or group will move a cut motion raising a question of policy, and if further time is available, another cut motion will be moved on that day. In order to give effect to this suggestion, it is further proposed that the discussion of Demands for Grants should not proceed in the order as it appears on the Order Paper, but that a special Demand should be taken up out of its turn and that cut motions should be moved to it. The Chair has now to ask Honourable Members whether they are all agreed that the suggestion which I have explained to the House should be adopted for the discussion of the Demands for Grants. (Voices: "Yes, yes".) I take it the House is unanimously agreed. (Voices: "Yes.")

(1951)

[Mr. President.]

According to this arrangement the Demand which is to be discussed is the votable grant for the Executive Council; and I would therefore ask the Honourable the Finance Member to put before the House the Demand under item 28—"Executive Council".

DEMAND No. 28—EXECUTIVE COUNCIL.

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

"That a sum not exceeding Rs. 85,000 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, 1933, in respect of the 'Executive Council'."

Mr. President: I understand that the Honourable the Leader of the Nationalist Party wishes to propose a cut motion to raise the constitutional issue. I call upon him to move it.

The Constitutional Issue.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I wish to move that the Demand under the head "Executive Council" be reduced by Rs. 100 to raise the constitutional issue. Honourable Members will observe that in this connection we have to consider the two stages of the constitutional issue, the constitutional development of India under the present constitution and the constitutional development of India under the constitution to be given in the near future. As regards the constitution of the Government of India under the present constitution, I would recall to Honourable Members the epoch-making pronouncement of the 9th April, 1917, at the Imperial Conference at which we found that the assembled delegates at the Imperial Conference unanimously passed the following resolution:

"That the Imperial War Conference are of opinion that the readjustment of the constitutional relation of the component parts of the Empire is too important and intricate a subject to be dealt with during the war, and that it should form the subject of a special Imperial Conference to be summoned as soon as possible after the cessation of the hostilities.

They deem it their duty, however, to place on record their view that any such readjustment, while reserving all existing powers of self-government and complete control of domestic affairs, should be based upon a recognition of the Dominions as autonomous nations of the Imperial Commonwealth, and of India as an important portion of the same. We recognise the right of the Dominions and India to an adequate voice in foreign policy and in foreign relations, and to provide effective arrangements for a continuous consultation in all important matters and for such necessary concerted action founded on consultation as the several Governments may determine."

Honourable Members will be pleased to see that this declaration made at the Imperial Conference may be resolved into three distinct parts. *First*, that it should recognise and preserve all existing powers of self-government in the Dominions wherever it exists. *Secondly*, that the readjustment should be based upon a full recognition of the Dominions as autonomous nations of an Imperial Commonwealth, and of India as an important part of the said Commonwealth. *Thirdly*, that the readjustment should recognise the right of the Dominions and of India to an adequate voice in foreign policy and in foreign relations. And a Committee was to be appointed to give effect to this declaration.

Honourable Members will thus see that so far as the Dominions were concerned, the readjustment was to recognise the autonomous character

of the Dominions, and a Committee was to be appointed for the purpose of making a readjustment. So far as India was concerned, the declaration was that India was to be an important portion of the Imperial Commonwealth, and secondly, (mark these words) that the readjustment should provide effective arrangements for continuous consultation on all important matters of common Imperial concern and for such concerted action founded on consultations the several Governments may decide. These are the two fundamental rights conceded to India by the Imperial Conference of 1917. The full effect of these rights was the subject-matter of discussion in the House of Commons on the 6th August, 1918.

Sir Cowasji Jehangir (Bombay City: Non-Muhamadan Urban): Why not go back a little further?

Sir Hari Singh Gour: On the 6th August, 1918, Mr. Chamberlain, who was a member of the Imperial Conference of 1917, and who was a special member of the War Cabinet in 1918, explained as to what had been the new position of India under the Imperial Conference Resolution of the previous year. He said:

"In the light of the discussions which took place last year and this year in the Imperial War Conference, a new recognition has been given to the equality of status of India and to a right of reciprocal treatment as between the Dominions and India or Great Britain and India of their respective citizenship. In these matters within the last few years India has leaped suddenly into a place of equality with the other great dominion portions of His Majesty's Dominions and her representatives sit within them in regard to Imperial Council."

Later on he said:

"It is but right that that great progress in Imperial status and position, that admission to partnership in the Empire for India, should be accompanied or followed, as soon as may be, by a revision of the share which Indians take in their own Government and by an effort to set them upon road which will lead them steadily forward in the paths of progress and reforms."

Honourable Members will remember that on the 20th August, 1917, a declaration was made in the House of Commons defining the ultimate goal of British policy in India as the establishment of responsible government in this country. Now, Honourable Members will remember that the evolution of the British constitution has from time immemorial proceeded upon not only the written letter of the law, but also upon conventions, treaties, usages and practices which implement, and to a very large extent supplant, the narrow frame-work of a written constitution. That being the case, we have for the first time the recognition of India as a partner in the British Commonwealth, and certain defined rights as regards external policy and external affairs are conceded to her in her own right, and it is further declared that effective arrangements will be made for the purpose of giving India's representative an adequate voice in the determination of her foreign policy. Honourable Members will thus see that in 1918 two confluent currents were flowing in the direction of the emancipation of India, one was preceded by the declaration of Mr. Montagu in the House of Commons on 20th August, 1917, and the other took its origin at the Imperial Conference Resolution of 9th April, 1917, to which I have referred. If we really wish to understand the present constitutional character of the Government of India to be obtained from the

[Sir Hari Singh Gour.]

official documents, we cannot look at the one without the other, and when my Honourable friend Sir Cowasji Jehangir interjected a remark, "Why don't you go backward," that is exactly the lament of myself and those who think with me that the short memories of people are responsible for forgetting the advance that has already been made, and that when they went to the Round Table Conference, they suffered from that shortness of memory and completely made a clean sweep of the past and began to write upon a clean slate. (Cheers.) I shall presently point that out to the Honourable Members and to the Honourable Member who interrupted me, Sir Cowasji Jehangir, for his own satisfaction. The Honourable Member will find that when, in 1918, Mr. Montagu published his memorable Report, and in the discussion that took place in the House of Commons upon that Report, Mr. MacDonald, now the Prime Minister of England, made certain suggestions which were afterwards acceded to and which were to be regarded as a part of the conventional constitution to implement the statutory Act of Parliament enacted in 1919. Mr. MacDonald in referring to the future constitution of India said:

"It should not be a beginning."

—that is to say the new constitution must not merely be a beginning,—

"but shall be a real substantial beginning that organisation and machinery will be created which will go by its own momentum from stage to stage, and at each stage it reaches, will carry to a fuller extent the complete ideal of self-government within the Empire."

That was to be the first condition. The second condition was:

"The Secretary of State should be in the same position as the Secretary of State for the Colonies."

Speaking on this subject, Mr. MacDonald said:

"The Secretary of State here and in fact the whole of Indian Government still retains the features of the East India Company. It has been modified from time to time but the parentage of our system is the East India Company. I would suggest to my Right Honourable friend that he should enquire as to whether the Secretary of State and the Council here are to be maintained. It is a pure anachronism, the survival of the trading company with the Court of Directors, and so on, and not at all suited to a Government Department. If my Right Honourable friend has any intention to making him a responsible Parliamentary Minister, then, I hope this House will not tolerate the existence of a Council of non-representatives and largely personally interested people."

The third point that Mr. MacDonald drew attention of the House to, was:

"I think we ought to make our minds perfectly clear that the elected sections of both provincial and Imperial Legislatures will be in the majority, to that extent we support the report, but I think there is much that we shall have to discuss in the suggestion made in the report in consequence of this, for instance this is a very simple dilemma in which such legislatures can get, you get the majority of the legislatures elected, you get the executive officials and nominees. That means you at once invite conflict. You cannot run a legislature the majority of which is elected with an executive consisting of nominated or official Members. Therefore, we ought candidly to admit that the elected majorities in the legislature must have, at any rate, a substantial representation of the legislature on the executive. There can be no half-way house in that, and the Government should openly accept it."

Later on he says:

"Show the Indians straightaway that we are trusting them and do not put them into the position of being free and irresponsible critics."

Honourable Members will find that these suggestions, made by the present Prime Minister of England, were substantially given effect to immediately on the enactment of the Act of 1919. Before that Act was enacted, the Joint Parliamentary Committee had implemented the terms of that Act by recommending—and their recommendations were declared to be read as part of the Government of India Act itself—that in the matter of fiscal autonomy, India was to possess the same right as the other self-governing Colonies of Canada, Australia and South Africa, and secondly, that in matters of purely Indian interest, where the Government of India and the Legislature were in agreement, the Secretary of State should ordinarily stand out. Therefore, when that Act was passed, Honourable Members will see what the intention of the framers of the Act and the founders of the new constitution was, that there should be a substantial dyarchy in the centre. As Mr. MacDonald pointed out, we cannot have a responsible Legislature without that Legislature being represented on the executive. You cannot have a majority Legislature unless the two sides of the Legislature are in substantial harmony and are not brought into constant conflict. In order to harmonise the two sides of the House, it was decided that at least three Members of the Executive Council should be drawn from the Legislature, and the first three appointments to the first Executive Council formed after the first Legislative Assembly were Members of the late Imperial Legislative Council. Secondly, successive Secretaries of State have reaffirmed the convention known as the fiscal autonomy of India; and thirdly it was provided that whenever there is an agreement between the Government of India and the Legislature, the Secretary of State should stand out, and in order to enable him to do so, section 19-A of the Government of India Act was enacted for the purpose of enabling the Secretary of State to relax his control. This was the position of the Government of India in 1921. Honourable Members will thus see that the sum-total of the powers which the people of India enjoyed in 1921 was a large measure of sovereignty designated by the words "Control of India in matters of foreign policy and foreign affairs", in matters of internal administration the convention was that the Legislature should be represented upon the executive, that the Legislature should possess fiscal autonomy, and that in matters of general Indian interest where the Executive Government of India and the Legislature were in agreement, the Secretary of State should relax his control.

It is for the Honourable Members to see to what extent there has been a departure from this constitution initiated by the Act of 1919. I shall deal with the two sides of the question separately. Dealing first with the newly acquired rights of India in matters of external policy and external affairs, the Resolution of the Imperial Conference was that there should be a readjustment, and that India's voice should be adequate in matters affecting her foreign policy and foreign relations. In 1922, really speaking on the 23rd March, 1922, one of us drew the attention of this House to this new international character of India established by the Conference, and we desired that in the future Conferences this House should be represented by its elected delegates. That Resolution was opposed on behalf of Government, but at the same time Government gave us an undertaking to the following effect. The then Home Member (Sir William Vincent) speaking upon the debate, at page 3635 of the Debates, dated 23rd March, 1922, said:

"For obvious reasons it is necessary for us to appoint men who will command the support of this Assembly."

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That was the pledge given by the Home Member as regards the representation of the Legislative Assembly in the future Conferences of the Empire. Now Honourable Members will recall that the Conference of 1917 had recommended the establishment of a committee for the purpose of working out the purpose of the Resolution which was passed there. A committee was to have been appointed in the Imperial Conference of 1926, and in 1922, as I have said, the Honourable the Home Member had assured the House that the representative of India would be such as would command the support of the Legislative Assembly. But if we turn to the Imperial Conference proceedings of 1926, what do we find? We find that India was represented by three gentlemen, Major-General Kirk, Deputy Chief of the General Staff, Mr. H. A. F. Lindsay, the Trade Commissioner in India and the Maharajah of Burdwan. But as the last-named failed to appear, he sent his son as a Private Secretary to himself to represent India. Such was the Indian representation in the Imperial Conference of 1926, when the external rights of India were to be determined by the appointment of a committee, the result of which, as Honourable Members will presently see, has created a new situation so far as the rest of the Dominions of the British Commonwealth are concerned. But though India was represented in the manner I have described, the Imperial Conference did not omit to hark back to the Resolution, Resolution No. 9, passed in 1917. And referring to that Resolution we find at page 15 of the Imperial Conference Report of 1926 the following sentences:

"It will be noted that in the previous paragraphs we have made no mention of India. Our reason for limiting their scope to Great Britain and the Dominions is that the position of India in the Empire is already defined by the Government of India Act of 1919. We would nevertheless recall that by Resolution 9 of the Imperial War Conference of 1917 due recognition was given to the important position held by India in the British Commonwealth."

So that Honourable Members will thus see that while the question was raised as to how the committee should consider the case of India in the readjustment for which a Committee had been appointed, India was dismissed with this short statement, that the case of India had already been disposed of by the Act of 1919. But Honourable Members will find that the case of India was not disposed of by the Act of 1919 which merely dealt with questions internal to India and did not deal with questions as regards her external rights. India's case therefore went by default in the Imperial Conference of 1926. That Conference appointed a Committee presided over by Lord Balfour, and that Committee gave a decision, the result of which was enacted in an Act of Parliament known as the Statute of Westminster, passed in November last. The effect of that Act known as the Statute of Westminster is to make the Dominion Parliaments sovereign Parliaments, and to give them the right of extra-territorial legislation which they did not possess before. A very large number of Acts limiting their rights of absolute sovereignty and co-equal partnership with the mother-country were recommended for repeal, and they were then repealed or are on the eve of repeal now.

I submit, therefore, that so far as India is concerned, India's external rights have not been safeguarded in the manner they were intended to be by the Conference of 1917. Nevertheless the Conference Resolution of 1917 was not a war measure, as will be apparent from the fact that India was called upon to be a co-signatory with the other self-governing Dominions

to the Treaty of Versailles. India was admitted as a foundation member of the League of Nations in 1919, and India has been invited in her own right to attend the Imperial Conferences held from time to time; and ancillary to that India has become a member of the Washington Labour Conference. She was a party to the Labour Conference; she has been a party to the Locarno and Kellogg Pacts and various other international Conventions entered into by the self-governing Dominions and other self-governing nations that went there. My submission, therefore, is that in the eye of the constitutional lawyer the external sovereignty of India as an international State is beyond dispute, and I think it was inadvertence to the rights of external sovereignty which India has been enjoying for a decade past that Mr. Wedgwood Benn speaking from his place as Secretary of State in November, 1929, described India as a Dominion in action. More recently when the same question was troubling the mind of Mr. Winston Churchill in the memorable debate on the White Paper on the 3rd January of the present year, Mr. Churchill with all these facts passing through his mind said that India was a Dominion for ceremonial purposes. So that you have the statement by two great statesmen, one calling India a Dominion in action, and the other calling India a Dominion for ceremonial purposes.

A third intermediate place was sought to be assigned to India, namely, that though India has got the status of a Dominion, it lacks the functions of a self-governing Dominion. This aspect of the question was applied not only to India but also to the self-governing Dominions before 1926; and referring to it on page 14 I find the following passage:

"Equality of status so far as Britain and the dominions are concerned is thus the original principle governing our inter-imperial relations; but the principles of equality and similarity appropriate to status do not universally extend to functions. Here we require something more than immutable dogmas."

The fact, therefore, is that this dissociation of the status with the functions was a matter of a lively grievance in the self-governing Colonies and that has been set at rest by the Statute of Westminster, to which I have referred. My submission is that India, so far as her external relations are concerned, has not only the theoretical attributes of a sovereign State, but those attributes have been recognised and given effect to from 1918 down to the present time. Only the other day when the question about fiscal autonomy of India was under debate and I raised this debate, the Honourable Sir George Rainy, speaking on behalf of Government, in a considered statement which he read out to the House, said that the question of fiscal autonomy, so far as India was concerned, is recognised, but the fact is that India lacks the machinery for giving effect to her rights; and then he suggested that such machinery might be set on foot by the Round Table Conference, which was then in session in London. This is a plain recognition of the fact that the attributes of sovereignty which India has enjoyed and which have been accumulating since 1917 are incapable of enjoyment without setting up an autonomous internal machinery for the self-government of India. These are the facts, therefore, which I wish to draw the attention of the House to, and I think these are the facts which must be regarded as the fundamental rights of India upon which the superstructure of the future constitution should be constructed.

But when I read the proceedings of the Round Table Conference, both the first and the second, I find no reference to any of these historic facts,

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and I am not surprised at my friend Sir Cowasji Jehangir just now interrupting me, when I was dealing with the question, he having said "Why do you not go further back than 1917?" He wanted to make clean sweep of India's past, and in the Round Table Conference make a fresh contract, as if India had never acquired any rights which India claimed, and which India had been enjoying during a decade or more, as I have pointed out already. I, therefore, submit that that was an inherent weakness in the Round Table Conference. Honourable Members will, therefore, find that when Lord Reading made a statement saying that he was in favour of granting responsibility in the centre on two main conditions, one of which was that there should be an Indian Federation, and the association of the representatives of the Indian Princes in the Federal Chambers, and, secondly, there must be reservations and safeguards. When His Lordship was making that statement, I venture to submit with the utmost respect to him, that he had for the time being forgotten that so far as reservations in regard to external policy and external affairs were concerned and which he wanted under the scheme which he adumbrated in his speech, and which has since been accepted by the Round Table Conference, that had already been conceded to India in 1917, and, therefore, they could not be withdrawn, and that any constitutional development of India must recognise this fact and all that was relevant was to set up a machinery in consonance with the accepted rights which India had been enjoying during all these years. That is my first submission.

My second submission is that as regards the principle of federation with the Indian Princes, that is the second condition precedent stated by Lord Reading and accepted by the Round Table Conference. Now let us examine what that means. Reading the proceedings of the two Conferences and what has subsequently taken place, we find that the Indian Princes are sharply divided upon the question of a Federation itself; but so far as there is any agreement at all, that agreement is with a few States who want a representation and a weightage out of all proportion to their population in relation to British India.

I shall very briefly give the salient features of the conditions upon which the Indian Princes are prepared to join the Indian Federation. It was suggested that the Council of State or the Upper Chamber, as it is described in the Round Table Conference, should consist of 100 or 150 members, and the Indian Princes want a representation of a moiety, that is, fifty per cent. I understand that it has been agreed to that they should get 40 per cent. there. The second point is that the Indian Princes demand, and it has been agreed to, that the representation of the Indian Princes both in the Council of State and the Federal Assembly shall be the representation of the rulers and the States, in other words, the Governments of the States and not of the States themselves, including the Government and the people; and the third point that they have made very clear is that a federal contact between the two Indias shall be only upon subjects of common interest to be categorised and enumerated in the constitution. And lastly, which is very important, that their relation to the Crown and their treaties must remain in other respects inviolate. These are the conditions upon which the Indian Princes are prepared, at any rate some of them, to come into the Indian Federation. So far as the Federal Assembly is concerned, it is recommended that it should

consist of about 250 or 300 members, and that the Indian Princes should have representation of $33\frac{1}{3}$ per cent.; that is, one-third. On a population basis they are entitled only to 23·8 per cent. of representation in either House. Now, if that were all, that would be sufficiently disquieting, but the Indian Princes demand, and their demand has been conceded, that the executive, that is to say, the ministry shall be only removable by the two-third votes of the two Houses in a joint session, which means that the ministry cannot be removed unless the Princes' representatives in the two Houses agree to its being turned out.

Then it has been said that there will be representatives of the Indian Princes in the two Houses who should have a voice not only in matters affecting the two Indias, but also in matters of domestic concern, and what is most important is, and it has been expressly laid down, that where a vote of no-confidence is moved against a ministry even on a matter of purely British Indian interest even then the rule of two-thirds in which the Indian States will participate would apply. This is very briefly the constitution of the two Houses and the power of the executive; but that is not all. Apart from the Princes' block, of which Lord Reading made no secret, that it would act as a steadying influence upon the activities of the two Legislatures, we have a very large number of reservations and safeguards besides Defence and Foreign and Political Relations.

Only the other day we had to deal with the question of a Statutory Railway Board. That is the first reservation or safeguard, added to which we have reservations as regards finance, currency and exchange and commercial discrimination. So that, what is left after these reservations and safeguards Honourable Members can easily see, and even that residue would be subject to the control of the Indian Princes, where they will have large weightage, and the ministry would be irremovable except upon the joint vote of the two Houses in which the Princes' representatives will take part. But that is not all. At the present moment this House has got the sole right of voting supplies, but in the new constitution we are told that this should be a power given to both the Houses. I do not wish to give Honourable Members of this House other details far too numerous for discussion in a popular Chamber, but I rest content by saying that if the future development of the Indian constitution is to depend upon this conception of federation of the Indian India and British India, I despair of its success. Honourable Members will see that, so far as the Indian Princes are concerned, they have taken no part in being parties to the declaration of fundamental rights; they have taken no part at all in safeguarding good internal government within their own States; they have absolutely emphasised that, so far as their treaty rights are concerned, so far as their relations to the Crown are concerned, they must remain inviolate. Consequently, while at the present moment this Assembly is in conflict with the British Crown, I foresee in the near future under the new constitution that would be established on the lines I have indicated a struggle in British India not only with the Crown, but also with the representatives of the Indian States. Thus, while British India has now a hard struggle, having to fight with the British Indian Government alone how much more difficult it will be for her if she is confronted with the Crown and her allies, the Indian Princes.

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Such, then, Sir, is the prospect that we see before us in the fruition of a new constitution. I was reading the other day, and I have no doubt that Honourable Members must have done the same, that while some Princes are prepared to come into this constitution upon their own terms, other Princes are not at all willing to fall into line with the rest. The result is that the question of federation is receding more and more into the background, and people in British India are feeling apprehensive that if the question of federation is a condition precedent to the evolution of reforms, the question of the development of a self-governing constitution for British India might be unduly delayed. Therefore, what we desire to impress upon the Government is, that whatever may be the question as regards the federation of the two Indias, the British Cabinet should immediately take in hand the question of the future constitution of British India, and that is the line along which Honourable Members will find the States of Central and Western Indias have combined and formulated a scheme. They say, let Government come into closer contact with Indian India through the medium of a Council of united India in which matters of common interest will be debated and discussed. Well, Sir, whatever may be the point of contact between the two Indias, what we on this side desire is that the future constitution of India should no longer be delayed.

The second point to which I wish to draw the attention of Honourable Members is that it was stated by the Prime Minister in his speech on the 19th January, at the close of the first conference, that he would not wait for the coming into force of the new constitution but that he would see if he could not introduce changes immediately in the administration of India in consultation with persons possessing administrative experience. That pronouncement was made more than a year ago, but I am sorry to find that no such advance has yet been made, which makes me fear that even a temporary advance being so long delayed, the future constitution of this country might perhaps be relegated to the Greek kalends. I, therefore, submit that, whatever may be the advantages of an all-India Federation, we on this side of the House should impress on the Government the desirability of losing no time in setting on foot such constitutional changes as were forecasted by the present Prime Minister in the speech to which I have referred. I further submit that no time should be lost in launching a new constitution for British India and providing therein a machinery for bringing into contact the two Indias, if and when possible. That, in short, is the demand that I wish to make, and I hope that the House will support me. (Applause.)

Dr. F. X. DeSouza (Nominated Non-Official): Sir, in rising to address the House on the constitutional question raised by the Leader of the Nationalist Party, I wish to confine my remarks as far as possible to the history of the Round Table Conference from its inception up to the present time and the possibilities of a solution of the present crisis. When the future historian of the constitutional development of this country writes about the progress of free institutions in this land, I venture to submit that he will have to record that the history of the Round Table Conference has been a tragedy of errors. It took its origin in the blunder of a great English statesman, who did not realise that a self-respecting India would refuse to accept a constitution unless some representative Indians were

associated in the Statutory Commission and which was to frame that constitution. The all white Simon Commission which he sent out, marched through the country amid scenes of disorder and civil disobedience, amid scenes of non-co-operation, till then unexampled in the history of India. It is true that the caravan passed and the dogs barked, but when the caravan reached home, it had no other merchandise to offer to its master at the India Office than a still born document in the shape of the Simon Report. The dogs that barked took to themselves the credit that it was their loud barking that made this document still born. I have called this document still born, because the Government of the day who sent out the Commission consigned it to oblivion. Even the very authors of that document refused to mention it in public. It was not even given a decent burial; it was consigned to the dust bin.

When attempts were made by the Labour Government to rectify the error which its predecessor had committed in selecting the representatives of the Simon Commission, misfortune seems to have dogged their steps in making the selection; for who were the men who were sent out to represent India at the Round Table Conference? Men of eminence no doubt in their respective walks of life, but men who, unfortunately, turned out to be die-hards in communal matters, men who believed in the policy of *fortiter in re* without cultivating the art of *suaviter in modo* (Mr. A. H. Ghuznavi: "Does it include Mr. Gandhi also?") (An Honourable Member: "He was talking of the first stage.")

Sir, what are the results of the two sittings of the Indian Round Table Conference? The whole world was watching its progress, but it revealed scenes of discord and disunion which were probably unexampled in the history of conferences which had assembled for the purpose of framing a constitution for a great country. After a labour of two sittings, it succeeded in giving birth to two monsters. The first monster was the Minority Pact. (Lieut.-Colonel Sir Henry Gidney: "Question.") What is this Minority Pact? A combination of the most heterogeneous elements that it is possible to put together (Hear, hear), a combination of Europeans, Anglo-Indians, Indian Christians, Mussalmans, and Depressed Classes. Is there a common bond of unions between these people who formed this Minority Pact? Is there any common working plan possible between such heterogeneous elements? (An Honourable Member: "Minority is the bond") The only common bond, so far as I can see, between the framers of this Minority Pact is the fear of the Hindus. (Lieut.-Colonel Sir Henry Gidney: "Not a bit.") Can a pact established on hatred, on fear of the majority community, ever work in peace? Was it constituted for the purpose of working a peaceful constitution, or was it established for the purpose of creating and perpetuating disunion in the country for ever and ever? Sir, I read the other day of a happy family consisting of a tiger, a monkey, a dog, and a cat. (An Honourable Member: "Who is who?") At one time persons who kept animals were rather proud of the different types they could bring together in a cage. The happy family drew people to zoological gardens or to the circus, but a happy family of the kind I have described, which constituted the Minority Pact, outside a circus or a zoological garden, seems to me to be entirely impracticable. We have heard of the lamb and the lion lying down together. They lie together only in story books, and in real life I think the place of the lamb is inside the lion. (Laughter.) That, unfortunately, happens to be the position in which the community to which I belong finds itself in this Minority

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Pact. (An Honourable Member: "What is that community?") I will tell you,—I belong to the Indian Christian community, a community which numbers nearly six million people according to the last census,—the third largest in India. (An Honourable Member: "Fourth largest.") If you look at the table of representation provided for this Indian Christian community

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): You admit that the depressed classes have gone away from your cage and family.

Dr. F. X. DeSouza: You will find that the Indian Christian community is to be represented as follows. While there are 4 representatives in the Upper Chamber for Europeans numbering about 120,000, one representative for Anglo-Indians numbering about 160,000 I think, and 6 representatives for the Sikhs numbering about 2½ millions, there is only one representative for the Indian Christian community numbering six millions.

Mr. N. M. Joshi (Nominated Non-Official): What was your Pannirselvam doing?

Dr. F. X. DeSouza: If the lamb wishes to live with the lion, its only place is inside the lion, and Mr. Pannirselvam found himself inside the lion. (An Honourable Member: "What about Buddhists and Parsis?") Take the Lower Chamber. The Europeans numbering 120,000 have 12 representatives in that Chamber, Anglo-Indians get 3 and Sikhs 10 and the Indian Christians have 7 representatives with a population of 6 millions. (An Honourable Member: "How many have you got now?") Christians in this Assembly have only one nominated representative, owing to the difficulty in forming a constituency for a community which is scattered all over India.

Now, I proceed to the provinces and Bombay is the province with which I am best acquainted. In the City of Bombay and the City of Karachi, which forms part of the Bombay Presidency, there is a large influential and educated Indian Christian community. Honourable Members familiar with Bombay cannot deny that. What is the representation provided by this minority pact for the Indian Christian community in the Bombay Legislature? The total population, according to the latest census of Indian Christians in the Bombay Presidency, is more than 300,000. The proportion of literacy, taking not only primary, but also secondary and higher education, is more than 60 per cent., and the number of representatives provided is just 2 out of a total number of 200. Is it possible to speak with moderation of a pact which allows such iniquities to be perpetrated in its name?

I said that the second Round Table Conference gave birth to two monsters. One was the Minority Pact and the second was the federation between British India and Indian India, on which my Honourable friend the Leader of the Nationalist Party descanted with such eloquence. Is it possible to form a working federation between extreme autocracy and extreme democracy? As was pointed out by Lord Reading himself in the course of his speeches at the Round Table Conference, previous history has shown that when extremes of this kind federate together, unless there is great tact and discretion, the result probably in the long run will be a civil war between the two federating elements, or if there is no civil war,

a complete subjection of the one by the other, and Heaven help British India when it is confronted with the possibility of a conflict with Indian India. Sir, this is the result of the second Round Table Conference.

Now, various committees such as the Franchise Committee, the Federal Finance Committee and the States Committee are scouring the length and breadth of the country as a preparation for the third sitting of the Round Table Conference and the dogs continue barking, while the caravan shows signs of shedding some of its important elements. My Honourable friend the Leader of the Opposition said that the Princes of Western India are gradually realising what the implications of the proposed Federation may be and are showing signs of restiveness. Again a large proportion of the Moslems of India have said that as it is impossible to settle the communal question, they would leave it to the British Government to settle it and will accept its verdict.

Sir Abdullah Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): The Moslems never said that they would accept the verdict of the British Government.

Dr. F. X. DeSouza: Anyhow they submitted the matter to the arbitration of the British Government. Until that is done, they refuse to co-operate with the working of the Round Table constitution. Now what is the other side of the picture? We find that the Congress has declared open war with the Government established by law and the Government established by law has no other alternative but to bring all its powers to bear on crushing this movement. Sir, the Government is at war with the country, that is the condition of things we see today. Disorder prevails everywhere. Those who do not sympathise with the Congress are in a state of deep and sullen discontent on account of the delay in promulgating the reforms. We live under Ordinance Raj and lathi Raj. I entreat the British Government with all the force at my command not to wait till the Round Table Conference prepares its report to inaugurate the new constitution. Their report will not represent the voice of United India; because the leaders of the intelligentsia are never behind prison bars. It will necessarily take a long time before the conflicting interests are reconciled by agreement. In the circumstances I think the country will accept a constitution framed by the British Government. The country has great confidence in the Premier. The British Government has already decided how far it will go. With all the emphasis at my command, I ask the British Government to give us that constitution soon and put an end to this repression, the sullen discontent and disorder and then only will there be peace in the country.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, I had no desire to intervene in this debate, but the remarks made just now by my Honourable friend Dr. DeSouza have compelled me to speak. Sir, I listened to the very eloquent discourse of the Leader of the Opposition on this motion. I noticed not with much difficulty evidence of a personal element, showing a strong conflict between appointment and disappointment. I have no doubt that the Honourable Member is very very disappointed; he was not a member of the Round Table Conference, and I found no difficulty in discerning in his speech a note of personal disappointment that he was not on this Committee.

Sir Hari Singh Gour: On a point of order. Is the Honourable Member in order in ascribing to any speaker a personal motive, namely, that his views are tainted by the fact that he was not appointed to the Round Table Conference. It is a personal reflection.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair holds the view that it is unparliamentary to attribute personal motives to Honourable Members.

Lieut.-Colonel Sir Henry Gidney: The intention of my observation was not a personal motive, but it may have been a personal gain. Apart from his eloquence

Sir Hari Singh Gour: I rise to a point of order, Sir. My friend has now aggravated the position; instead of calling it a personal "motive", he said it was a personal "gain".

Lieut.-Colonel Sir Henry Gidney: Sir, I really used the word "gain", i.e., "political gain"—I did not mean "personal gain" or "personal aggrandisement", but political gain, i.e., connected with his leadership of the Nationalistic Party. I never meant anything personal.

Mr. President: The Honourable Member will have to choose his words properly.

Lieut.-Colonel Sir Henry Gidney: Thank you, Sir.

Mr. President: Honourable Members are here not for any personal gain.

Lieut.-Colonel Sir Henry Gidney: I am sorry I have been misunderstood, I shall be more careful, Sir. Apart from the remarks made by the Honourable the Leader of the Opposition in which he seemed to me to ridicule—to use a very mild word—the whole of the activities of the Round Table Conference and the assistance rendered to it by the Government of India and the Simon Commission, he seemed to think that he alone has the perquisite of intelligence and to him alone has been given the ability of constitution-making. I think some other Members on the Opposite Benches are also suffering very badly from that obsession, but I see that their numbers are today added to by my friend, Dr. DeSouza. Dr. DeSouza I am sure initiated this discussion, for one main reason with which I am in entire accord and sympathy. This reason being, he considers the representation of Indian Christians agreed upon in the Minority Pact to be inadequate. I certainly have every sympathy with him, and I wholeheartedly support him in his complaint. But does Dr. DeSouza realise that in presenting this point of view he is condemning not only this Minority Pact but his own representative Mr. Pamir Selvam? Sir, that Minority Pact, in my opinion, was the principal constructive work of a practical nature that the Round Table Conference did. (Hear, hear.) Sir, the Simon Commission's Report is supposed to have been shelved. Honourable Members however will not be surprised to hear that the Simon Report is very much alive and still holds the field, and that it is the most exhaustive, the only authentic and the only reliable document in the field, despite the satirical remarks made against

it by the Leader of the Opposition,—and may I say, Sir, it is the only document that is today being seriously considered by all schools of political thought even including Sir Hari Singh Gour. (Hear, hear.) Sir, the Honourable Member was a member of the Indian Central Committee but he is remarkably silent on that Report. Why? I would like to know what his opinions were on the anticipated and suggested conference while he was on that Committee and in the confidence of the Simon Commission. Has he forgotten that? Did he not as a member of the I. C. Committee co-operate with the Simon Commission, and was not the Round Table Conference the outcome of its Report? Did he in his Indian Central Committee Report object to the creation of a Round Table Conference? Let him answer that question to this House. Anyhow we have had two Round Table Conferences and each one has made its Report. The Minority Pact that was presented to the last Round Table Conference was a pact to which some minority communities were driven by the attitude of that much-respected leader of the Congress Party, Mahatma Gandhi. (Hear, hear.) Sir, it was Mahatma Gandhi who drove these minorities to this pact. Had it not been for his stubborn and, to my mind, illogical refusal to recognize the rights of certain minorities, we would never have made that pact, holy or unholy, acceptable or unacceptable as it may seem to my Honourable friend, Sir Hari Singh Gour, and other Members of this House. The puzzle to my mind was while Mahatma Gandhi was prepared to recognise the communal rights of Muslims and Sikhs and Hindus in those Provinces in which they are in the minority, he refused this to depressed classes, Indian Christians, Europeans, Anglo-Indians and others. Indeed it was this mental somersault that converted the last scene before the curtain fell on the stage of the final Plenary Session of the second Round Table Conference into a tragedy—or shall I call it a comedy—may be "final enactment" would be a better description. Sir, let me try and tell this House how I visualised that last scene. On the one side of a gulf dividing the two sets of players, I felt I could see the revered Mahatma Gandhi, clothed in the garb of—let me say—Emperor Chandra Gupta, and close by his side were his Lieutenants Pandit Malaviya and Dr. Moonje, the latter clothed in the shredded raiments of Shivaajee. Not far from his side was discernible the doughty Sikh champion, the worthy shadow of Ranjit Singh. On the other side of the gulf I could see the other set of players led by His Highness the Aga Khan, himself clothed in the garb of Aurangzeb and huddled around him were the minorities driven by Mr. Gandhi to his side for succour and help. Between these sets of actors as they played their game of political chess—my friend Sir Hari Singh Gour would prefer to call it "political bluff". I saw the Prime Minister of England with his two Lieutenants, the Lord Chancellor and the Secretary of State for India occupying the position of Referee or Umpire. While the Mahatma held the Queen piece and the Aga Khan operated the King piece, we the minorities were represented on that board in the shape of pawns. But as the game progressed, the holder of the Queen piece, Mahatma Gandhi, refused to play with the pawns and so these pawns declined to play or remain on the board and so decided to enter into a pact among themselves—in other words to play their own game without the Mahatma. But the most unfortunate part of this game was that Mahatma Gandhi who I said held the Queen piece and His Highness the Aga Khan who held the King piece, instead of mating with each other, expended their tactics and energies to checkmate each other, and the final result was that the Minority Pact with His

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Highness the Aga Khan was formed, and in that pact was included the representative of Dr. DeSouza's community Mr. Pamir Selvam. Unfortunately for us there was a schism in the Indian Christian community, one member representing the Roman Catholics joined the Pact while the other representing the Protestants did not do so and that was the reason why there was a division in their ranks. Dr. DeSouza in his criticisms certainly does not pay any compliment to his representative on the Round Table Conference, on the contrary he tries to discredit his efforts. It was Dr. DeSouza's duty holding the views he does to have held meetings in the country and to have cabled his demands to his representative in England on the Round Table Conference. Had he done so, I am sure Mr. Pamir Selvam and the Minority Pact would have been influenced and guided (Hear, hear), but to complain now is hardly playing the game. Sir, I tell this House that this Minority Pact is no humbug. This Pact is going to stand, and I confidently hope that my Moslem brothers will support me in my statement. (Voices: "Yes.") Sir, I take this occasion to thank the Muslim Group at the Round Table Conference some of whom are in this Honourable House today, for their steadfast loyalty to the other minorities. They refused to be tempted by the clever baits that were offered them by Mahatma Gandhi and others in London to desert us and they stood by their word of honour, and they stood by the pact. All honour and credit to them, but let us not relax the intentions of this Pact, let us strengthen and cement it. After all, what has that Pact done? That Pact has shown to the British Nation as also to India that there is a body of people totalling one hundred and sixty millions, more than one-third of India's total population, including Indian Christians, which my friend, Dr. DeSouza, said is the third largest community in India, but which I think is the fourth largest,—thus: Hindus, Muslims, Depressed Classes and Indian Christians

Dr. F. X. DeSouza: The Depressed Classes are included among the Hindus?

Lieut.-Colonel Sir Henry Gidney: The Depressed Classes are a separate community and have demanded separation from Hindus so they are the third largest community. I repeat that the Minority Pact represented one hundred and sixty millions of people, who demand that their voice be heard by the rest of India and who will see that their voice is listened to, despite being called a monster by Dr. DeSouza. This House will yet know the power of that monster. That child was neither a monster nor anything that Dr. DeSouza might describe it, and I want him to appreciate that the Indian Christians go to form part of that monster. Sir, I was very sorry to hear Dr. DeSouza call into question the representative character of the delegates who constituted the Round Table Conference. Sir, on the floor of this House I flatly contradict that charge—I submit the Round Table Conference was fully representative of all communities and political parties in India. If Dr. DeSouza still thinks otherwise I call upon him or any Member of this Honourable House to answer me: Was Mahatma Gandhi the sole representative in the Round Table Conference of the Congress? Can anyone in this House deny that? If he does, let him say who else was considered by the Congress as its sole or additional representative? Indeed that Party would have no other voice but that of Mahatma Gandhi's to represent them at the Round Table

Conference. That is question No. 1, answered against Dr. DeSouza's charge. Next, will anyone deny that the late revered Sir Muhammad Shafi and His Highness the Aga Khan and such stalwarts as Mr. Ghuznavi and Mr. Fazal Huq from Bengal and Dr. Shafaat Ahmad were representative of the Muslims? I hear no denial not even from Dr. DeSouza and so question No. 2 is answered. Again, will any one deny that Sir

1 P.M. Ali Imam was the elected representative of National Muslims? Will he deny that Sir Tej Bahadur Sapru was a most efficient representative of the Liberal Party?

Mr. N. M. Joshi: Sir Tej Bahadur Sapru is not a Liberal; he himself has stated that publicly.

Lieut.-Colonel Sir Henry Gidney: I am not anxious to know Mr. Joshi's opinion as to whether Sir Tej Bahadur Sapru is a Liberal or a Labourite, but this much I do know that the representative of labour in this House is not only not Liberal in his Labours but he never fails to belabour the illiberality of his news on opinions expressed against him. I ask was not the Right Honourable Mr. Srinivasa Sastri the representative of the Madras Liberal school of thought? Was not Sir C. P. Aiyar also the representative of Madras Liberals? Was not Sir A. Patro the representative of his community? Was not Dr. Moonje the representative of the Hindu Mahasabha? Was not Sir Hubert Carr the representative of the European community in India and Sir Cowasji Jehangir one of the leading representatives of his community and the Liberal Party? And last but not least, was not Feudatory India truly represented by the Indian Princes who attended the Round Table Conference? Does Dr. DeSouza or this House need any further proof of the truly representative character of the Round Table Conference. I ask how can any one in this House say that the Round Table Conference was not truly representative of all the representative political thoughts and parties in India including Mahatma Gandhi. For any one to turn round now and say that that Conference was not representative of India is an insult to the representatives who were there and also to those associations and bodies who were consulted by His Excellency the Viceroy and in response to whose invitation they submitted certain names for his selection. The Round Table Conference was certainly a representative body. As to whether that body was successful in the achievement of a Federation or a Confederation in India, is quite a different matter. But this much I must say it is wholly wrong for any Honourable Member in this House more especially on the part of Dr. DeSouza to stand up today and say that the Round Table Conference was not a representative body.

Dr. F. X. DeSouza: I rise on a point of personal explanation, Sir. I did not say that, although I might have said that, they were not representatives of the people. What I did say was that the leaders who attended the Round Table Conference were men who, however eminent they may have been, were not elected by the nation.

Lieut.-Colonel Sir Henry Gidney: I am very glad to have his amplification but it makes Dr. DeSouza's position more awkward and untenable. The fact remains that he did say that the Round Table Conference was not representative of India, surely it was not because Dr. DeSouza did not represent his community there. Why should he at this time decry

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his own representative who joined us in the Minority Pact? Sir, Dr. DeSouza concluded his remarks by saying "Withdraw the round table". Sir, it was not a round table; it was an oval-shaped table and goodness knows what shape it will be when the Conference meets for the third time. May be, should Dr. DeSouza and Sir Hari Singh Gour be representatives at the next Conference, the table will be shapeless. (Laughter.) Does Dr. DeSouza want to put the Report of the Conference into the dustbin as the Mover said had been the fate of the Report of the Simon Commission? Remember there are many valuable things found in dustbins. He said that he did not want reforms. Then, what does he want? Does he want the Indian Central Committee's Report to be accepted?

Mr. President: Order, order. The Honourable Member is addressing the Honourable Member (Dr. DeSouza) directly; he ought to address the Chair.

Lieut. Colonel Sir Henry Gidney: If he does want that report, then the only gift India will receive as a measure of reform will be a Supreme Court for India which has become the baby of the Leader of the Nationalist Party. Does he seriously mean this House to believe that Indians will accept a constitution framed by the Prime Minister and the British Government? Surely, nobody on the opposite side will join with him in this request. If that is to satisfy Indian aspirations, then there would be no need for this Assembly and no need for this cut motion of Sir Hari Singh Gour. Sir, there has been a lot of idle talk and there has been a lot of nonsense talked about the composition and achievements of the Round Table Conference and when one stops to enquire who the critics are, it is found that these complaints generally emanate from those who were not represented on it. Those who criticise this Round Table Conference must realise that the delegates went there with a full purpose and determination to serve India; if they have not been able to complete their task, it is not entirely their fault. It is the result of an accumulation of various matters, particularly the unsettled communal problem. No one deplores that unsettled condition more than I do, for I consider it to be the foundation stone on which the future constitution of India can be framed. Without that foundation stone well and truly laid, no structure, no new India, can be built. It is admitted that that was one of the chief reasons why the Round Table Conference could not come to any final conclusion. But, Sir, even if the Conference has not come to a final decision on all points, if the Princes are still unsettled on the question of a Federal India, if responsibility in the centre is still in the balance, if finance and defence are still reserved subjects and if Paramountcy of Power is still to be retained in the Crown in perpetuity and lastly even if minorities are still unsatisfied, none will deny that if we did not come to a settled plan we brought back to India, a plan for settlement which the present committees are trying to settle. And this House is certainly the proper place for this settlement to be discussed. I can assure the House that no gain will be achieved if we indulge in such criticisms at this late hour as to the representative character of the members of the Round Table Conference. Let us stop this bickering and together set to work to gain for India her goal on constitutional lines. The Minority Pact is out to achieve this end with your help or without it, but let us all work together to attain this end.

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

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

Mr. N. M. Joshi: The Honourable the Leader of the Nationalist Party made a fairly long speech. But I must confess that I do not know still what is his main point. His speech did not raise any definite issue. He did not tell us what his constructive proposals were for the future constitution of India. He began by giving us a bit of history, commencing from 1917. He told us that the Imperial Conferences had already recognised the claim of India as an independent Dominion. Then he told us that Mr. Churchill states that India is a Dominion for ceremonial purposes. He also quoted from Mr. Wedgewood Benn, saying that India is a Dominion in action. But my own view is that India is not a Dominion only for ceremonial purposes, nor a Dominion to-day really in action. India to-day is growing into a Dominion. The Round Table Conference was intended to mark the stage which India should reach immediately towards that goal. The Leader of the Nationalist Party made a complaint that the Round Table Conference had forgotten the previous history of the case and that the Conference should have insisted upon India being made really and truly a Dominion immediately. The Honourable Member was a Member of what is called the Central Committee. As a member of that Committee I thought he would have put forward proposals which would convert India immediately into a Dominion. But I found he did nothing of the sort. I was therefore much disappointed with his speech. It is quite true that the Round Table Conference did not contain a good representation of the Legislative Assembly. I myself feel that that was a very great defect of the personnel of the Round Table Conference. At the same time it is not true that the Conference was not really a representative body. We would have all preferred a larger representation of the Legislature. Although that is a defect, yet that defect is not so serious that we should allow people to challenge the representative character of that Conference. The Round Table Conference had proposed a Federation for India. I am one of those who feel that the proposed Federation is not a perfect one. It may not even deserve the name of a Federation. The proposed Federation does not even provide for a common citizenship for the whole of India. Indian States are insisting that their citizens should be only citizens of the respective States and they should not acquire by the States joining the Federation a common citizenship; even after the Federation, Indians from British India will not have a right to move into an Indian State as citizens of the Federation. They will have no right to acquire property in an Indian State by right of common citizenship. There will be no common criminal law nor common civil law for the Federation. It is quite clear therefore that a Federation of this kind is not a perfect one. The Honourable the Leader of the Nationalist Party stated that, although some Indian States were ready to join the Federation, many of the States were now trying to back out, or at least many of them were hesitating to join the Federation. I do not know why the Indian States should at all hesitate to come into the Federation. What do they stand to lose thereby? If you study the proposals which are adumbrated for this Federation, you will find that the Indian States do not propose to give up the slightest power which they at present possess. There is not a single proposal which is placed before the Round Table Conference or accepted by the Conference which will deprive the Indian States of any functions which they are at present performing. Secondly, the Indian

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States do not propose to sacrifice even a bit of the revenue which they are at present collecting. They do not sacrifice any power or function, but on the other hand the proposals for Federation are such that the Indian States are going to get representation in the Federal Legislature and also in the Federal Executive. The Indian States are also asking for the retrocession of their territories, the retrocession of certain revenues and also jurisdiction. Under these circumstances, I do not know why the Indian States should be at all hesitating; on the contrary they should be very glad that they are going to get power over British India, and if you go into details you will find that, although railways are going to be made Federal, it is the British Indian Railways which are to be Federal, and if the Indian States possess any railways, they are to be State railways. It is the British Indian Post Offices which are to be Federal; if there are any Post Offices maintained by the Indian States, they are to be controlled by the Indian States themselves. It is the British Indian currency which is going to be Federal. If any Indian State has its own currency, that currency is going to be controlled by that State. It is the British Indian revenue on Customs which is going to be federalised, if any Indian State possesses Customs revenue, that State, I am told, is to be compensated for the loss of that revenue. Under these circumstances, I do not know why the Indian States should at all hesitate. It is true that we hear in newspapers that certain States, especially those States which have got ports, are making a noise, that they do not propose to join the Federation. The reason is obvious; they get revenue from Customs, and they want to negotiate with British India for compensation for that revenue. If they at once say that they would join the Federation, their hands will be weakened. They are in a very strong position and they are placed in that strong position by the Britishers and by the Government of India or at least by the British Government. It is the British Government and the representatives of the British Parliament that stated that there will be no central responsibility in British India or in India unless the Indian States join in the Federation. That has given the Indian States the strongest position. They feel that there cannot be any constitutional reforms in British India unless the States agree to join. Under these circumstances it is quite natural that the States should dictate their terms to us. They have dictated their terms, and we under pressure and perhaps under difficulty have accepted, or at least some of us have accepted, because there is absolutely no other way.

Mr. President, the Honourable the Leader of the Nationalist Party also went into certain other details, such as the representation of Indian States in the Federal Legislature. I quite agree with him that the Indian States are asking for representation in the Federal Legislature much more than they deserve, and there were voices raised in the Federal Structure Committee against the grant of that representation, and that question has not yet been finally settled. Then he also mentioned several other details of the constitution, such as, that no ministry should be dismissed unless a vote of a two-thirds majority is carried against it. I myself do not agree with such a proposal. If a ministry cannot have a majority in the House, it cannot remain in power if it has got self-respect, and to attempt to keep a ministry in power unless there is a two-thirds majority against it really means that you are going to get a ministry which has absolutely no self-respect, because that ministry will not be able to carry its legislation in the House. That Ministry will not be able to get the supplies which it

wants. Then, Sir, he also mentioned one or two other details into which I do not wish to go.

My Honourable friend Dr. DeSouza raised the question of the minorities pact. I do not wish to go into the details of that pact. I quite agree with him that the Indian Christians have been let down in that pact, but that is not the object with which I am referring to it. I refer to the minorities pact for this reason, that that pact makes no sound proposal for the representation of the working classes. They make one proposal in that pact about the representation of various interests which perhaps in their view includes the labour interests. Their proposal is that each community, Mussalmans, Europeans, depressed classes and Anglo-Indians, should provide for their own workers as they like. Mr. President, this is not a statement which is likely to please either the Hindu or the Mussalman or the Anglo-Indian or the depressed class workers. In the first place if you accept the proposition that each community must provide for the representation of its workers, then I myself feel and many workers including Hindus and Mussalmans feel, that their ranks are bound to be divided. Whatever the middle classes and the richer classes may desire, the working classes in India—and I speak in the name of the working classes, both Mussalmans and Hindus—do not want their ranks to be divided. We are at present working very harmoniously in our trade union movement. We have no differences as regards religion, because we do not recognise any religion in our economic questions. Mr. President, we feel that if we try to secure representation by various communities, our ranks will be divided. I feel that the representation of the working classes in the Legislature is a very valuable right for the working classes. But if you ask me to make a choice between having representation in the Legislatures and having the ranks of the working classes divided, I shall have no hesitation in stating that I shall rather sacrifice representation in the Legislatures rather than have the working class movement divided into Hindus and Mussalmans. Mr. President, that is the defect of the minorities pact. I quite agree that so far the work of the Round Table Conference has not yet been completed and there are still several defects. But we all stand for the work of that Round Table Conference for one reason, and that reason is this. The time has gone by when the present constitution can work satisfactorily. The present Government of India can only carry on its work by means of Ordinances, and I am sure the Government of India themselves will agree that a constitution in which the Government have to carry on their ordinary work by Ordinances is not a constitution that is fit to last even for a day. We therefore feel that a Federation, which may be even imperfect, is acceptable to the present constitution and to the present Government of India. We want a change in the constitution. We shall be quite glad if we get a constitution which is very satisfactory to us, but even if we cannot get a constitution which is very satisfactory to us, we want a constitution which will make a change in our present Government of India. We know this Government of India cannot last even for a day. It can only function by Ordinances, and therefore although the Federation is an imperfect Federation, we will have to accept that Federation.

Mr. President, there is only one word more which I want to say. I have stated very clearly that the present Government of India can only function by Ordinances and it is a wrong thing. It is perhaps an unpleasant thing for them that they should continue in existence hereafter. Therefore the best thing which the present Government of India and the

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British Government can do is to bring the new constitution into existence without any delay. Let there be no delay in the work of the committees; let there be no delay caused by any other matter, such as the decision on the communal question. Let these things be done immediately and let the new constitution be heralded in without the least delay. Mr. President, I have done.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, I am in agreement with a great deal of what was said by the last speaker, who is himself a member of the Round Table Conference. He recognises that the Legislature in this country should be allowed an opportunity to express its views on the momentous constitutional questions pending decision. But if I could understand the drift of Sir Henry Gidney's speech, he seemed to resent any expression of views on the work of the Round Table Conference at all. Sir, I am rather surprised that a well-known Member of this Assembly should question the right of the Assembly to express its views and to criticise the proceedings of the Round Table Conference. The whole future of the Government in India is in the melting pot, including the fate of this Legislature and other Legislatures throughout the country. That being so, it is inconceivable to me why a proper opportunity should not have been allowed to us to express our views on the issues now pending for legislation. Sir, after every sitting of the Round Table Conference, an opportunity was afforded to the British Parliament to debate on the proceedings of that Conference. The proceedings of the two Conferences affect us far more intimately than they do Great Britain, and yet the Legislatures of this country have not been afforded a proper opportunity to discuss these questions. One should have expected that the Government would take the earliest opportunity after each sitting of the Conference to place the proceedings before this House and invite discussion on the views expressed in those Conferences. That not having been done, the only course left for us was to avail ourselves of such opportunity as discussion of the Budget affords. It is not the same thing. In these discussions it is possible that we shall not hear the views of the Government of India. They might take up an attitude saying, "The whole matter has passed from our hands; it is in the hands of the British Government and the British Parliament and we have no concern with it." Therefore this Legislative Assembly has no real concern with it. I do not know whether any members of the Government of India will take part in this discussion. Probably not. If not, we shall not know what their views are on the issues which are agitating the country.

I am not one of those who seek to criticise the personnel of the Round Table Conference, but I say it was unjust on the part of Sir Henry Gidney to suggest motives to the Honourable the Leader of the Nationalist Party. I hold it was wrong on his part, because he must remember that on the break-up of the first Conference, we welcomed the delegates here in this House, and we did our best to help them in their further deliberations. The Conference, however, has reached a stage when it is necessary for us, and we find it extremely desirable in the interests of the country, that we should make a review of the proceedings of these Conferences and express our opinion on the subject.

Many of us at the end of the First Round Table Conference, when there was a debate in this House, had doubts, grave doubts as to some

of the proposals, the tentative proposals that were made then. But we suppressed those doubts and encouraged the members of the Round Table Conference to the best of our powers to go on with the deliberations and evolve a satisfactory constitution for the country. Since then, however, I am constrained to say no further progress has been made by the Conference. This is not my opinion alone; it is the opinion of everybody that I have talked to; it is the opinion of the Prime Minister and the Secretary of State themselves. In the Second Round Table Conference all that has been done on the important issues before it was to repeat the declaration that was made on the previous occasion by the Prime Minister. No definite conclusions have been reached on any of the important issues. When I heard Sir Henry Gidney—I was listening to him with great attention—I thought he would tell us what had been the decisions of the Conference on the important questions that have been raised, the more salient points that have been considered there. I remember well that the Prime Minister, when he spoke in Parliament on the results of the first Conference, said more than once that everything was provisional; even now everything remains provisional. That is the position. I think the Secretary of State, Sir Samuel Hoare, made it quite clear in his speech in Parliament that no definite conclusions had been reached. If something happens, something else will happen. That is to say, if an all-India Federation is brought about, if a practical scheme can be worked out in that direction, then there will be some responsibility in the centre; but not otherwise. The matter is left there. Then a number of Committees have come out to India and are touring the country—the Franchise Committee, the States Inquiry Committee, the Consultative Committee, the Federal Finance Committee and so on. From what we have been able to gather from such reports of the proceedings of these Committees as have been published, there does not seem to have been any agreed decision arrived at on any of the important questions that were being considered by the Consultative Committee, which I believe is the most important Committee of all. On all important questions there has been no agreement and the matter has been left for the decision of His Majesty's Government. There seems to be some sort of general idea that the only possible solution of the constitutional position is to have an all-India federation, a federation of what is known as British India with what is called Indian India, that is, the India ruled by the Ruling Princes and Chiefs.

Now, I wish to remind the House of the fact, that the constitutional inquiry which began with the appointment of the Simon Commission was held under a section of the Government of India Act, section 84A, which applies only to British India, and the terms of reference as well as the directions contained in that section referred only to the need for a constitution for British India. That was the entire scope of the inquiry as contemplated in section 84A of the Government of India Act. I do not wish to read it; every Honourable Member is aware of and familiar with the provisions of that section. It is to find out how far the people of British India have advanced in education and in other ways to be able to carry on a responsible Government in the country. If that were found in the negative, that is against them, then there is an alternative also suggested, namely, to restrict responsible Government in India. It was on that basis, and with those terms of reference, that the Simon Commission came out and toured India for two years, and with the help of the Central

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Committee and other subsidiary and auxiliary committees, they made a report. Whether that Report has been thrown into the wastepaper basket or not, as suggested by one Honourable Member, or it is still a live thing, as Sir Henry Gidney says, I am not concerned with that. But that is the only Report now before the British Government as regards the inquiry that was held under section 84A of the Government of India Act. We know how this Round Table Conference was brought about. When the Simon Commission was appointed, most of the prominent politicians protested against its composition, because it excluded all Indians from that body. There was a boycott of the Commission, and the Congress of course refused to take any part in it. Then after the Report was made, it was considered desirable by the British Government—I take it on the advice of Lord Irwin and the Government of India—that there should be a Round Table Conference. It was at that stage, for some reason or other, that the Princes were also included in the Conference. The Conference was held in London. The deliberations were followed by us with intense interest, and I must admit I was one of those whose imagination was seized by the proposal of an All-India Federation at that stage. Sir, we thought, at least I thought, that what was meant was that the future Government of this country was to be handed over to the Princes and the people of British India and that there would be no further control of the British Parliament over the government of this country. That was why a very large number of us, if not all, were inclined to welcome the idea. It was in a tentative stage, but even then we welcomed the idea, because it was worthwhile exploring whether it was possible to have such a constitution.

The second Conference in which Mr. Gandhi represented the Congress was to come to grips with the definite issues involved in the idea of an All-India Federation. Sir, I am not concerned with what part Mr. Gandhi took, whether he was justified in taking up the attitude that he did, whether that led to the failure of the second Conference, or even whether the second Conference was generally a failure or not, I am not concerned with all that; but what I say is this, that no definite conclusions were arrived at on the important questions. That was the position at the second Conference, and we know how Mr. Gandhi was induced to take part in the second Conference, the Irwin-Gandhi pact and so on. When the second Conference was over, immediately afterwards Ordinances, the nature, character and the scope of which have been discussed in this House, were issued. Those Ordinances are still in operation, and I believe to-day we shall hear something of their operation in the city of Delhi itself. It is in these circumstances that the constitution is being made. What is the result? I do say, so far as this country is concerned, the whole political atmosphere has become unreal, and vital constitutional issues are being considered by the Committees now in India in a very unreal atmosphere. Even this House has ceased to take itself seriously in the matter, not because it is not as keenly interested as ever in the future of the country, but because every one of us feels that it is idle for us to make any suggestions or to discuss anything; everything will be decided over our heads, and whatever we may say will be utterly ignored, perhaps ignored with contempt.

Now, Sir, Mr. Joshi, who was a Member of the Conference, and is perfectly familiar with its proceedings, far more familiar than we outsiders

can be, has pointed out the difficulties in the way of a Federation. He says the attitude of the Princes or those who represent the Indian India is, "You give us power over British India and we shall retain our power over our own territories and you shall not interfere with the administration of our territories". That is shortly the position which Mr. Joshi has so graphically described just now. I for one am not opposed to the Princes taking part in our future Government, if I am convinced that their participation in that Government will redound to the good of India and will help us to advance. The question is whether we can entertain any such hope or whether a constitution such as is contemplated by some Princes or by some representatives of the Indian States is workable at all.

Now, Sir, there are three parties in the constitution, that is, the people of British India themselves, into whose future inquiry is being held under the Government of India Act, the Indian States, and last but not the least, the British Government and the British people. Let us take the position as it exists, the actual facts and the realities of the position with reference to what is called British India and the Indian States. We and our ancestors have been living for 150 years and more under British rule. That means we have been governed by a people used to Parliamentary institutions imbued with democratic instincts, and since the inauguration of British rule in India, they have been taking pains to spread Western education and, to some extent, Western institutions. Every one of us from our childhood has been used to these institutions which have been grafted on British India from the West, and we have been accustomed to what is called the rule of law. There can be no doubt, whatever our

3 P.M. differences may be with the representatives of the British people here, we must admit that we have become so accustomed to British institutions, to European institutions, which are mainly of a democratic character, that it would be impossible to expect us now to change our mentality and to go back. What about the Indian States? Their government is government by personal rule. The people have no voice in that government. It is the ruler who is the source of all law, the head of the administration; he can do anything he likes. Under such a system of government of close personal rule,—I am not decrying the character of that rule at all—no politics can grow, and I do say without fear of any challenge that in no Indian State is there any such thing as politics,—even any newspapers. I know some of the bigger States, but whether the people there are contented or not, they have no political life whatever. Thus, there are two diametrically opposed systems, institutions, mentalities, and I ask with all earnestness, is it possible to work them together under one Government as it is proposed? I do not know what will happen, but I am certain of this, that in the immediate future the utmost confusion will prevail. You cannot bring together such diverse and opposed elements, and retaining their character intact, amalgamate them into one Government. If it were proposed on one side or the other, "We are going to change the nature of our Government, the nature of the institutions in which we have been brought up and to which we are accustomed and bring it into line with the other side", then I could understand that there was a chance of approach, a chance of amalgamation. But no. I do not think any of the representatives of British India has been asked, "Are you willing to introduce an element of autocracy in the Government to which your affairs will in future be subjected?" But the Princes have made their position quite clear,—that

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they will retain intact, unaffected in any way, their internal sovereignty, which means personal rule. If they are going to introduce any changes in their own territories, that they say is no concern of ours, that is, of the people of British India. They will do what they like. Therefore there is no real intention on the part of either party to approach the other and to devise something midway between autocratic rule and democratic Government. We want to travel along the path of democracy, as we have been doing for so long. I do not want to give up an iota of my liberty; on the other hand, we want further development of liberty of person and property, rights of association and meeting, and development of political life in the country. Have the Princes shown any inclination to allow political life to grow in their own territories? So far as I have read the proceedings, they have not. Then, what do they claim? They claim one-third of the representation in the Lower House, half or at least 40 per cent. in the Upper Chamber, and they further claim representation in the executive. They want, as has been pointed out by Mr. Joshi himself, that at least two-thirds majority must support a vote of no confidence before any ministry goes out. I ask—there are many Members here who are familiar with the working of the constitution which we have now in the provinces under diarchy,—whether it is possible under those circumstances to change any ministry. The ministry will be an irremovable one just like the Government of the present day.

Now, Sir, let us examine their case a little more closely. One-third, the Princes want in the Lower Chamber. The Muhammadans of British India as well as the Indian States—I do not know whether the Muhammadans of Indian States had any voice except through their rulers in the deliberations of the Round Table Conference, but the Muhammadans, as we all know, want one-third of the seats. What is left? Two-thirds are gone. One-third is left. It is something ridiculous. It cannot be accepted by anybody. And you cannot work it. I challenge any one to work out a definite constitution on that basis. As regards the executive, they must be assured of representation in the executive, by Act or convention, I do not know which. There will be two divisions of subjects, federal as well as central,—central concerning British Indian provinces, because so far as the Indian States are concerned they will be the concern of the rulers themselves, we shall have nothing to do with them. Now, supposing that the members of the future Legislature wanted to move a vote of no confidence in the ministry on a central subject, the Princes or their representatives will have a vote. May I know why? How can they have any vote? And mind you, they must have a vote; otherwise, joint responsibility that is bargained for disappears. But we, in British India, will have no voice at all in the administration of the Indian States. Supposing the members of the future Legislature wanted to agitate on any important question of policy regarding customs, railways, courts, all-India finance, and they wanted to influence the votes of the representatives of the Princes. Will they be allowed to go into their territory and agitate there? I am sure they will not. No Prince will allow that. Now, is that the sort of arrangement which you expect the people will accept? No doubt you are hearing no voice now. All voices have been stifled. The Congress, who have been the most vocal people in the country, their voice has been removed. The Legislature is left with matters which are of very little importance and their voice is of

little account. But the thousands of Congress people will not be in jail for ever, and the temper even of moderates like ourselves may not be always the same as it is. Anyway when the constitution is framed, it has to be worked, and then is it going to be worked in the atmosphere of Ordinances? Surely the Ordinances will have to be removed. There will be freedom of expression then. I do not know who started this idea of an all-India Federation. I have tried to ascertain this from many friends, but no one has been able to give me that information. It was sprung upon the country all at once when the first Round Table Conference met and speeches were delivered there. I do not say that it is not an alluring idea. Some day or other, it may materialise, but at present when the Conference is faced with these difficulties, I do not see that any answer has been given, and I do not know whether there could be any agreement on these outstanding questions.

Then, I come to the third factor in the constitution that is the British people as represented by the European community here. Naturally they are anxious from their point of view to have as many safeguards as possible. It is proposed that the Governor General, not the Governor General in Council, is to have special powers, not merely emergency powers, but special powers in addition. What these special powers will be have not been defined. We know to some extent what the emergency powers are. Those powers are to be retained. That is the proposal. Then there must be financial safeguards, and the Viceroy is to have power for borrowing to save the credit of the country by balancing the Budget and so on. The question of balancing the Budget has been before us, and we know how Budgets are now balanced. The Viceroy is to retain special powers to balance the Budget. We cannot be trusted with these tasks. We are not a responsible people. We have no stake in the country, but the Princes undoubtedly have. Why cannot they be trusted? They cannot be trusted either. Then there are to be reserved subjects. These will be defence and foreign relations. So you have three distinct classes of subjects, Federal and Central subjects, reserved subjects and special powers of the Governor General. We all know how difficult it has been for us to work diarchy. What is going to be the name of this new constitution—triarchy? (An Honourable Member: "Anarchy.") Whether it is triarchy or anarchy, whatever the name, this is the constitution which is propounded and foreshadowed. Who can work that? I should like to know how many Honourable Members are here who can boldly say that they are equal to the task. Then, Sir, what about the relation of the Princes to the Crown or what is called the question of paramountcy. From the very first day of the Round Table Conference, the Princes have been very loudly protesting against the paramountcy of the Crown being interfered with. What is the meaning of that? The paramountcy of the Crown, as I understand it, is exercised through the Political Department. I should have liked some of the Princes to tell me whether they are so fond of the Political Department that they do not want to part with it. On the other hand I have heard in private conversations that that is the very first thing they desire to get rid of. That is not in the proceedings of the Conference. If that sort of paramountcy is not to be retained, then the British Government must be prepared to remove all their Residents and Political Agents. Are they going to do that, and do Government really think it is in the interests of the people of those States that Residents and Political Agents should be removed

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altogether or their powers should be taken away though vested in the Viceroy? If it is vested in the Viceroy, it must necessarily be exercised by the Secretariat of the Department concerned through agents. Now, has that question been fully and properly considered at the Conference, and has any conclusion been reached? Supposing the Princes remain under the paramountcy of the Crown under the same conditions as now, and they nominated one-third of their representatives in the Lower House and 40 per cent. in the Upper House. Will not those nominees be at the beck and call first of all of the Princes, or rather of their ministers, and then of the Political Department? Who will ultimately prevail, we all know. The Princes may profess not to know. What is the difference between that and the present system of diarchy? As a matter of fact we are better off now. We have many quarrels with Honourable Members opposite, but at any rate we deal with men whom we know, with whom we have been dealing, who have been working in British India and whom we can tell face to face what we think of them. Under such a system as is envisaged, where will be the possibility of all that? I venture to assert that a system like that will be much worse, Sir, than the present. (Hear, hear.) Mr. Joshi thinks it will be good for the Princes. I am afraid I cannot agree with him. It will not be good for the Princes either. The Princes will be plunged into a struggle of which it is very difficult to see the end. The result really will be, as I have been saying, that there will be confusion all over the country. No constitution like that can be worked smoothly, and the enactors of the Government of India Act of 1919—the British Parliament—were wise enough to confine their attention to British India alone, because British India alone has been progressing along certain lines, and what we want is the natural development of the way in which we have been going. Mr. Joshi asked, what is the constructive proposal? To my mind, Sir, the constructive proposal is perfectly clear. Legislate first for British India. I am aware there are a number of common subjects—subjects in which the Princes are interested and will continue to be interested. They are being dealt with now, I take it, by the Government of India mainly in the Political Department. Some disputes arise but I have heard of arbitrations which led to satisfactory settlement of those disputes. Why must we change all that? Why plunge into darkness? Cannot we proceed along these lines? Have a constitution for British India; then have a Council if you like where representatives of the Chamber of Princes, and the Legislative Assembly of the future will meet and discuss and try to come to an understanding. If they cannot, the further course would be quite easy; you would leave the ultimate decision to the Supreme Court, or to the Viceroy if you like; I have no objection to that. Sir, that is the easy way and that is what was suggested, I imagine, by the Simon Commission; and I understand that there is a very large body of Princes, I think of Central India and Kathiawar and the Western States, who are searching for a solution along those lines. If you do that, there ought to be very little difficulty. At any rate what I do submit is that a search for a constitution on the lines which have been suggested at the Conference is not likely to lead to any fruitful results. We have already wasted a considerable time over these constitutional deliberations. The Simon Commission started I think some time in 1927. Lakhs and lakhs of the country's money have been spent. There were two Conferences. A number of Committees have come out. Sir, you know what the net

result has been on the country. There has been unrest, agitation, intense agitation. Why? Because no decision has been arrived at. The sooner you can arrive at a decision, the better undoubtedly will it be for all the parties. (Hear, hear.) I submit one proposition. Let the constitution be as simple as possible. Do not introduce unnecessary complications into it. If you do that, then the constitution will work, and nobody's real interests will be injured.

This leads me to the question of responsibility at the centre. I think everyone is convinced that, without some responsibility at the centre, the constitution really cannot work. If you say, "Have fully autonomous provinces, but leave the centre, the Central Government, absolutely irresponsible—let the responsibility at the centre rest only in the hands of officials without any responsibility to the Indian Legislature", then I say it cannot work. We know the present state of things, and that will be the state of things in the future.

Now what are the difficulties from the British point of view? Let us see that. Defence, we are all agreed, should be a reserved subject until the Army is Indianised substantially, which must necessarily take time. Then foreign and political relations will be a reserved subject. We do not quarrel with that. Then what remains? Finance. Undoubtedly that is a very important subject; and unless finance is made responsible and unless the Legislature has the final say in all questions of finance affecting the country, then in that case the same difficulties as we are now experiencing will go on. Sir, as regards safeguards, I do not think any definite proposals have been made; if we knew what were the definite points on which safeguards are wanted, and if we found that on those points the interests of the country would not be injured by these safeguards, that those safeguards would not hamper the future development of the country, then in that case there would be no difficulty for us in accepting such safeguards; but if it be proposed that the financial safeguards must be such that on all important questions—for instance, currency and exchange—the Legislature will have no voice or no effective voice, that the economic development of the country must wait and must take the second place so that the commercial interests of Great Britain in India may have the upper hand, if it is the idea that there is a conflict between the commercial interests of Great Britain and the economic development of India, then in that case it would be very difficult for us to accept such safeguards. But I do not think for one moment that there is any real inconsistency between British commercial and trade interests and the economic development of India. If you frame and conceive your safeguards in that spirit, you will have our fullest support. Such a constitution as I have just suggested may still of course be objected to on the ground that there will be dyarchy. But that cannot be helped at this stage; but make the rules such that dyarchy can be worked as smoothly as possible. No doubt it will have ultimately to give way to one uniform system of government at the centre: you must be prepared for that. By that time experience during which this dyarchy has lasted will be available to you. Now I wish to put it to my Indian friends at the Round Table Conference and point out that the real reason why they accepted an all-India federation was that, without it, there would be no responsibility at the centre. I want them to take their courage in both hands and point out to the British people that there is no sense in this.

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Why put in these restrictions, limitations and conditions? Supposing, for instance, the subjects of Education, Health and Industries, which are now in the hands of Indians, are made responsible to the Legislature, is there any danger of the system not being worked properly or that the Government will not be stable? I submit all such fears are groundless. Sir, I must make it perfectly clear in concluding that I am not one of those who think that nothing good has come out of the British connection or that we want to cut off the British connection. I have never said that and never thought of it. I do think that it would be disastrous for the country if there be a sudden disruption. It must end in confusion and anarchy. But short of that, people must be allowed to advance along the path on which they have been advancing, and India must have a proper status, and the only status possible for India is that of a Dominion, the most important Dominion in the British Empire.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I do not propose to speak for more than a very few minutes. Honourable Members will no doubt realise that on this particular cut it is not possible for any Member of the Government to adopt the usual procedure and to deal *seriatim* with the various arguments and views advanced. I do not know whether the House will recall that, when the proceedings of the first Round Table Conference were under consideration last year on a motion, which I moved myself, that the Parliamentary papers laid on the table regarding the Round Table Conference be taken into consideration, I compared myself to the local magnate who starts a foot-ball match by kicking off, and having said so much I sat down.

Whether I am on this occasion more like the referee who blows the whistle at the end of the game, I cannot say, but at any rate, I have not had the honour of initiating this discussion.

I was a little surprised that my Honourable friend the Leader of the Independent Party complained that the House had had no opportunity for discussion because I remember very well that last year we were approached on the subject by the Benches opposite. In the first instance the late Mr. Roy moved a Resolution that the papers be laid on the table. When on behalf of the Government I at once agreed that that should be done, it was then settled by mutual agreement that there should be a discussion on the motion of which I have just reminded the House. But, I do not recollect that this year anybody put down any Resolution on this subject, or that I was formally approached from any quarter of the House and asked to allot time. I do not know that any practical inconvenience arises from the fact that the matter has been brought up on the estimates, because last year it was found, on the whole, the best course to discuss the matter on a colourless motion which has much the same effect as a token cut.

I have listened, Sir, with great interest to the discussion which we have heard. I was a little bewildered, I must say, by the speech of the Honourable the Mover; because after he had entered rather fully into the history of the subject, I was left, like my Honourable friend Mr. Joshi, completely at a loss to know exactly what the practical plan was which he recommended for the consideration of the House. That speech was followed before lunch by—I will not call it an altercation—but a certain exchange of compliments between the Anglo-Indian lion and the Indian-Christian

lamb. I am glad to say that their intercourse did not end in the absorption of the lamb by the lion, and I hope that it may prove a good augury for the relations of the two communities in India in the future constitution.

I will certainly undertake that the discussions which have taken place will be conveyed to His Majesty's Government. I wish to make it clear that there is no desire on the part of the Government of India in any way to strangle discussion on this subject, and we recognise that this House is fully entitled to discuss it. But, I will also add this that when, after the Honourable the Mover sat down this morning, an interval of 30 seconds passed before any Member rose to follow him, I began to doubt whether the House was quite as anxious to discuss the question as at one time I had supposed it to be. That, Sir, I think, concludes all that I can usefully say, and I repeat my promise that today's proceedings will be forwarded to His Majesty's Government for their consideration.

Sir Cowasji Jehangir: Mr. President, lest it may be said that nobody got up within 30 seconds, I rise to do so, although I had no intention of speaking. Mr. President, my friend the Leader of the Nationalist Party who introduced this motion gave us past history and I was rather surprised to see empty benches to listen to his words of wisdom.

Mr. N. M. Joshi: Why surprised?

Sir Cowasji Jehangir: Well, Sir, the sum-total of his criticism in the beginning was that everyone, including Lord Reading, could not have been acquainted with the past constitutional history of India since at least 1917, for if they were, the history of the last two years would have been written differently. Personally, I can only express my regret that my Honourable friend was not a member of the Round Table Conference and that according to his own version we should have had a constitution by now, or even perhaps a year ago. Whether that constitution would have lasted for himself to bless today, I am very doubtful. But leaving that aside, there has been considerable, and, I may say rather unnecessary, criticism of the work done for the last two years. My friend, Dr. DeSouza, said that it had brought forth two monsters. One was the Minority Pact, but he does not seem to realise that that Minority Pact had nothing directly to do with the Conference. It was an arrangement made by certain members of the Conference outside the Conference. He went on to explain why he called it a monster. It was a monster because his own community had not got the lion's share. Well, Sir, I call that rather exaggerated language to describe an agreement as a monster because he does not happen to have the share he expected. Then he criticised the representative character of the delegates of the Round Table Conference. We all know that they were nominated by His Majesty's Government. Nobody has ever pretended or contended that it was anything else. But, I understand that my Honourable friend represents the Indian Christians in this House. Has he been elected? He is a nominated Member, and with all the strength and emphasis in his power he claims to represent the Indian Christians in this House to-day. Considering his own position, I think he might have reflected a little more before he called into question the representative character of the Round Table Conference.

Dr. F. X. DeSouza: May I point out that it was not the representative character that I called into question, but really their method of work. So far as I remember that was what I said.

Sir Cowasji Jehangir: What he really said was different. His memory is a little faulty. He said the Members to the Round Table Conference were not elected, nor is he to this House. I venture to suggest that he might have treated the real representatives of his community who were at the Conference with a little more respect. I further venture to suggest that if he had been an elected Member he might have spoken with some justification.

Dr. F. X. DeSouza: I said nothing in derogation of anything that had been done by the representative of my community at the Conference. All I said was that he was helpless like a lamb in the presence of lions. He was a victim of *force majeure*.

Sir Cowasji Jehangir: But what he did imply was that the representative of his community let him down. Let that pass.

What was it that the Conference accomplished on the second occasion? I quite realise, and no one realises more than those who were present, that on the whole we might have been able to accomplish more than we did. We fully realise, and I think every one realises, that no definite conclusions were arrived at. But the great difference between the first Conference and the second Conference was that at the first Conference the policy laid down was the policy of His Majesty's Government, which was after all, although His Majesty's Government, in a minority in the House of Commons. The second year saw that policy of advance confirmed by the House of Commons with a huge majority of Conservatives and that was the main achievement of the second Conference.

Let me once more revert to my Honourable friend Dr. DeSouza to illustrate a point. He said let the Government carry out their policy. They have told us how far they are prepared to go. Now, let them go ahead and frame a constitution without further consultation with the people of India, and he made bold to say that the people of India would accept it. What authority had he to say that? But the point that I want to make out from that statement is that had it not been for the Round Table Conference, His Majesty's Government would never have had an opportunity, would never have been able to lay down a policy for India, would never have been able to announce how far they were prepared to go, and how far they were not. That was the gain and that was what was accomplished by the second Round Table Conference.

It may be that the restrictions and the reservations they have laid down may not be acceptable to all of us, but one would imagine from the speeches delivered here that the chapter had been closed. The financial safeguards are still under consideration. Even the question of the Federation is under consideration. I have no doubt that when two men sit opposite to each other to settle an important matter in which both are interested, they do not always lay all their cards on the table. We know that the Indian Princes have made certain demands, we also know that the representatives of British India have contested those demands. I am not going into details, but I must say that the chapter is not closed. We have not got an Upper and a Lower House with a huge majority of men

whom we will not trust. We have not yet got an Upper and Lower House with 40 per cent. and 30 per cent. Indian Princes' representatives. All that is being considered. There will be time enough, but until we refuse to concede those demands and until we continue to point out, and our arguments are being heard, that such a House would not be fair to British India, I think my Honourable friends may hold their souls in patience for a little longer. We fully realise that one-third representation of my friends, the Muhammadans, and one-third representation of the Indian Princes will leave very little for us who happen to be after all in the majority.

An Honourable Member: But are you in the majority?

Sir Cowasji Jehangir: Yes, I am in the majority. Surely it did not require anybody here to remind us of that very unfair position. But we have not yet, as far as I know, conceded those demands. I trust that our friends in the Committees will see that they will not agree to any constitution which on the face of it will be unworkable. But as my Honourable friend Mr. Joshi pointed out that rather than continue to live in a land which is governed by Ordinances and which looks as if it is going to be continued to be ruled by Ordinances, it is worth taking a little risk here and there to get a new constitution as soon as possible.

I realise that time is flying, and there are so many more questions that have been referred to which would really require a reply. But I am not going to undertake that task. All I can say is that the problem before the country is not an easy one, and if the scheme of Federation has great attractions and is being studied because it has great attractions, that study is justified, because you are never going to get a real self-governing India unless you have a Federation; and I do not know how many Honourable Members of this House realise that without a Federation in India, you can never hope to get control over your fighting forces,—over the Army. It is only with a Federation, that there can in the future be a prospect of this House having control over the Army. And if for nothing else, is it not worthwhile trying to persevere to get a constitution—may be 10 years or 15 years or even 50 years hence,—which still holds out prospects of having a real self-governing India? That is one of the main reasons why not only the Consultative Committee, but every one of us, should try to persevere in trying to attain what looks most difficult but may become possible,—a federated India.

There is just one more point that I should like to allude to, and that is the question of finance. The financial question is now being studied by a Committee called the Federal Finance Committee; but it is extraordinary to find that on that Committee there is not one representative of British India. That is a Committee which is working out the destinies of the provinces and India with regard to finance, on which the only Indian representation happens to be two gentlemen from the Indian States. That Committee is to adjust the financial relations not only between the centre and the provinces, but between the new Indian federated States and the centre. Sir, surely when that Committee was being appointed, a little more foresight might have been used. I do wish that Committee every success notwithstanding its constitution. I do sincerely hope that they will be able to evolve a scheme that may bear examination, but it does start with a handicap in not having on it a single representative of British India.

Mr. President: Sir George Schuster.

The Honourable Sir George Schuster: Sir, I do not wish to exercise my right of reply.

Sir Hari Singh Gour: Sir, I have very few minutes in which to reply. I have been confronted with a battery of Round Tablers, Sir Cowasji Jehangir, Mr. Joshi and Sir Henry Gidney, all of whom seem to have been three brothers in the dock chained together and trying to secure their liberation from the accusations that have been made against them. But, Sir, let me give them this comforting assurance that I have made no charges against any of them. What I feel and what I wish to repeat is that what we want now is an immediate advance in the centre within the spirit and letter of the present constitution and that we want with the least possible delay a final constitution, whether it is with federation or without it. That, Sir, is the sum total of our demand. I have no doubt criticised the Sankey Federation scheme; I have pointed out also that since then there have been, at any rate, half a dozen other schemes. There is the Patiala scheme, there is the Central India *cum* Western India scheme, there is the Indore scheme, there is the small Princes' scheme and there is the nondescript scheme. (Laughter.) In the midst of this confusion I feel that the Government of India should use their good offices in prevailing upon His Majesty's Government that, before the cloud of this controversy of federation lifts, there should be an advance in British India on the basis of a federation of British India, and that a point of contact is possible, and might be established with Indian India through the medium of a Council such as the Statutory Commission have recommended, such as the Central India and Western India States have recently promulgated and such as the Central Committee itself had recommended. If, therefore, federation is a distant dream, if federation is at the present moment impracticable, I beg to ask why should His Majesty's Government wait for the completion of that federation? Sir, there is a feeling abroad that His Majesty's Government are thinking of introducing provincial autonomy. If I have raised this debate and if Honourable Members on this side of the House had more time to speak, I and they would have joined our voices in informing His Majesty's Government that nothing short of responsibility in the centre will satisfy the immediate wants of the people of this country. (Hear, hear.) Whatever advance you may make in the provinces, whether you call it provincial autonomy or provincial responsibility, it would not only be inadequate but unworkable so long as the Governor under the present constitution is subject to the direction, supervision and control of the Government of India and the Government of India in their turn are subject to the supervision, direction and control of the Secretary of State in Council. These difficulties were seen by the present Prime Minister in the speech from which I have freely quoted, and it is the present Prime Minister's speech of that day that I wish to recall and which I wish further to wish the Government of India to recall for the purpose of showing what they should have done in 1921, and which though late they may still do as a temporary measure before a final constitution is threshed out by the British Parliament. That, Sir, is all that we demand. That is all that we have been asking; and the Honourable Members on the opposite benches must have known that throughout the length and breadth of this country all voices have joined in asking that there should be a progressive realisation of responsible government in the

centre, progressive in the sense that it does not lead from point to point but that there is a steady growth and that it grows of its own momentum and organic power. That is what we want and that, I submit, is how the Government of India Act of 1919 should be construed. And, Sir, if I have spoken on this occasion, it has been with the single purpose of drawing the attention of the Government of India to the requirements of my country on this occasion. Within a few minutes we shall be launched into a discussion of another topic, that topic which the Government of India know must be distressing them as often as it comes up directly or indirectly for discussion. Sir, nothing is more painful to us than to refer to that topic; but the fact is that we and the Government of India would be able to avoid these distressing contingencies if the Government of India were to press upon His Majesty's Government one bold advance, one bold step forward in the direction of liberalising the constitution as we have asked and further to push on with the ultimate constitution that might be settled for the Government of India.

I am afraid, Sir, I shall not have the time to reply to my Honourable friend Dr. DeSouza, but I am perfectly certain—and I feel happy—that my Honourable friend Sir Abdur Rahim has amply dealt with the question of the Round Table Conference. He has also pointed out that the scheme, as it is settled by the first and the second Conference or by the Consultative Committee, would in the end be unworkable. Then, Sir, Mr. Joshi has lent his support to the main theme of our arguments. As regards Sir Henry Gidney, he is Sir Henry Gidney and nothing need be said about him.

Mr. President: Order, order. The House will now take up the motion for adjournment.

MOTION FOR ADJOURNMENT.

EXCESSES OF THE POLICE IN DELHI AND DESECRATION OF THE MOSQUE OF KUCHA RAHMAN.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa Muhammadan): Sir, I move that the House do now adjourn.

4 P.M. Before proceeding with the main question of the violation of sanctity of a mosque, I would like to give the history of the occurrence on Saturday last. My Honourable friend the Home Member may correct me if he finds any matter incorrect.

According to my information, a day prior to this occurrence, that is, on Friday last, Mufti Kifayatulla, President of the Jamiat-ul-Ulema-Hind after his Juma prayer in the Juma Masjid, started from the Mosque and went towards Queen's Gardens to hold a meeting there. All that the men with him were doing was occasionally calling "Allah-o-Akbar", which means God is the greatest of all, also calling "Islam Zinda Bad". This peaceful gathering or procession reached the Queen's Garden and sat there. Before any speech was made or any illegal act was committed, a certain police officer tried to rush towards Mufti Kifayatulla and then some disturbance took place. There are two versions of the following narration: some say that the officer was running to warn and others say that he was running to arrest the Mufti Sahib. However, there is no denial of the fact that

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up to the time of the lathi charge the Mussalmans were peaceful and no speech was delivered up to that time. On presumption only actions were taken and many people were injured and the Mufti Sahib was arrested.

Then, according to the *Statesman*, the mob was shouting slogans: a lathi charge was made as a result of which a man named Abdulla had to be taken to hospital: five or six others received injuries; the lathi charge effectively dispersed the crowd and Mufti Kifayatulla was arrested: three other men who were also taken into custody were later released. In the whole story, I do not find anything to show that the gathering was not peaceful. I will here add that the slogans were "Allah-o-Akbar", "Islam Zindabad", "Sarhad ki Azad Tahqiqat Karo", and "Ordinance Wapas Karlo". The *Statesman* also does not make it clear what were the slogans: it is quite clear that these slogans were not very objectionable or fit for any notice to be taken of them.

Now the occurrence of Saturday last begins. A procession started from the Juma Masjid shouting "Allah-o-Akbar", "Islam Zindabad", etc. By the orders of the Magistrate, the banners were seized at the clock tower, and a minute later lathi charges were made by the police. No fault is mentioned here also. Then a sort of disturbance started on Saturday and passers by fled in different lanes about which the *Statesman* says, (this is the main occurrence):

"At three o'clock a procession numbering two thousand under the instructions of the Majlis-i-Ahrrar started from the Juma Masjid shouting different slogans. The procession passed through Chowri Bazaar, Hauz Qazi, Lal Kuan, Farrash Khana, Fatehpuri and had reached the Clock Tower when, it is understood, on instructions from the City Magistrate a police official seized the banners. A minute later the police made a lathi charge on the crowd which by now exceeded six thousand."

Here also there is no mention that there was anything not peaceful, rather the only fault mentioned is that the mob exceeded six thousand. It is alleged that these lathi charges on innocent and peaceful citizens infuriated some Muslim boy. I do not want to discuss this at this stage, because the case is under trial. However the crowd fled in different streets and police chasing them reached to the mosque in Kucha Rahman. Further the *Statesman* says:

"The City Magistrate saw stones being thrown from the mosque though the mosque authorities deny it. The police entered the mosque and made a lathi charge inside it. They then went to the top of the Masjid and dispersed people who were standing there. Some slight damage was done. Five people were arrested inside the mosque."

The official version also is that brickbats were thrown from inside the mosque. I challenge the Treasury Benches on this point, to prove that brickbats were thrown from the mosque. There is absolutely no window or door towards the lane from which brickbats could be thrown from the mosque. I myself went today to see the mosque and saw that there was absolutely no hole towards the lane from which brickbats could be thrown. Many other Members also have seen the mosque. The lane is to the west of the mosque. It is known to you, Sir, and to every one else that there are no windows or doors in the western wall of a mosque. It is quite clear and known to every Muhammadan that in the western wall of a mosque there can not be any window or door. That is the case with

this mosque in question also. In another place the *Statesman* also writes in this way:

"As the lathi charges were going on some brickbats, stones and earthenware were hurled at the police from a house adjoining the mosque in Kucha Rahman, a by-lane in Chandni Chowk."

So it is clear that no brickbat was thrown from the mosque, rather it was thrown from some adjoining house: it might be possible, Sir. The police who were making lathi charges rushed into Kucha Rahman and rushed into the mosque. The main gate of the mosque was closed by the Muazzan that the crowd might not come in, but the police broke the door. I myself saw about hundred spots of lathi charge on the door leaf. The peaceful Muazzan and some other Muslims who were inside the mosque for *Asar* prayers were beaten, *Wazu* pots were broken, glasses of lanterns were smashed, and the police entered the mosque with shoes on. Is this not a barbarous mentality? Whatever may be said by the Honourable the Home Member about the position and plan of this mosque is only hearsay and it cannot satisfy me. I have myself seen the position of the mosque. The facts are clear, that brickbats cannot be thrown from the mosque, and at the same time there were no brickbats in the mosque. The mosque was in perfectly good condition; the floor is paved with stone everywhere and there was no possibility of having brickbats even in the mosque.

From what has occurred in Delhi during the last three days, it appears that the authorities, and especially the police, are bent upon making mischief in the garb of restoring law and order. It has been pointed out repeatedly that they should first gauge the situation and then take action with a view to ease the situation as far as possible. But contrary to this the police are bent upon committing as many excesses as they possibly can, and for which there can be no justification. The greatest cause of complaint to the Mussalmans is that the police entered the mosque in the Kucha Rahman by forcibly opening the doors, smashing the window panes and breaking the earthen pots there. To whatever school of thought the Mussalmans may belong, they cannot possibly tolerate even for a second the violation of the sanctity of their religious buildings. During the past few years there have been hundreds of examples where Mussalmans have resorted to every means in order to uphold the honour of their religious places. May I enquire from the Treasury Benches, what right the police had in entering a religious place of worship and causing damage to it? The Government and the authorities are fully aware of the fact that the Mussalmans are always ready even to shed their blood to keep up the sanctity of their mosques and other religious buildings. It is a well-known fact that anything that touches their religion goes to their heart. But in spite of this, the police resorted to this, which has greatly injured the feelings of every Mussalman in this country. I cannot possibly understand how the police, knowing what the consequences of their actions would be, did a thing which the Mussalmans will never tolerate.

Mr. President, unless the Government punish those who are found guilty, after due enquiry, of thus entering the mosque and thereby injuring the feelings of the Mussalmans, and compensate the mosque authorities they will never sit at rest. I warn them to do this at once in order to avoid any further trouble, otherwise the responsibility will be theirs. If I win or lose this motion, it will not change the situation at all. I did not move the motion to carry the day, but I wanted to warn the Government in time. I warn the Government to respect the religious feelings of all communities in India, to respect all the places of worship

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and sacred places such as Mandirs, Gurdwaras, Churches, Imambaras, Karbalas, Mosques, and graveyards, etc. I urge upon the Government to hold an independent inquiry very soon, to compensate the mosque authorities and to punish the responsible men who will be found guilty. Mr. President, India is an Asiatic country; for Indians religion is above all. We can bear all sorts of hardships; we are prepared to sacrifice our wealth, our children and even our very lives, but we cannot allow any one to interfere with our religion or to desecrate our mosques or other places of worship. You can play with our blood but we cannot allow you to play with our religious sentiment.

Sir, with these words I move.

The Honourable Sir James Crerar (Home Member): Mr. President, when I first had intimation that my Honourable friend proposed to move this motion, I could not but feel that he did so under a complete misapprehension of the facts. I have, Sir, been keeping myself in very close touch with occurrences in Delhi during the last two or three days, for the scenes of disorder which have occurred have been matters which have given both the local authorities and to myself some very considerable cause for anxiety. That being so, I have, from day to day, been receiving from the authorities of the Delhi Administration information as to what actually occurred: and today, as the Honourable gentleman appears to have relied almost entirely upon a Press report for the facts which he has recited, I think it would be proper on my part to take the earliest opportunity of placing the House in possession of the facts as they have been reported by the responsible officers of the Delhi Administration. I will deal first with the occurrences on Friday, the 11th March 1932. This is the report of the City Magistrate, a well known and highly respected Muslim Officer:

"A procession, organised and led by Mufti Kifayat Ullah, started from the Jama Masjid at about 3 P.M. and reached the Clock Tower at 4 P.M. where I, Mr. DeGale, S. S. P., A. S. P., Mr. Bakhtawar Ali, and R. B. Malik Devi Dayal, Deputy Superintendent of Police, were present with the police force. The processionists numbered about 3,000 to 4,000 and they were shouting at the top of their voice '*Inqilab Zindabad*', '*Down with Ordinances*', '*Government Barbad Ho*', etc. Just entering the Queen's Gardens, the crowd stopped for a moment and shouted defiantly at us. The leaders then asked the crowd to proceed onward and they accordingly went to the ground behind the Town Hall, where a meeting was arranged. This meeting consisted of a gathering of about 2,000 people, and the rest of the crowd, numbering about 3,000 to 4,000, were standing behind the hedges and were watching the show. Mufti Kifayat Ullah took his seat on a Municipal bench lying there. As soon as the people in the crowd took their seats in the meeting they again shouted the same anti-Government slogans, '*Inqilab Zindabad*', '*Government Barbad Ho*', etc. It was then announced to the gathering that if they continued to shout anti-Government slogans or any speech were made to promote the object of an unlawful association, they would be dispersed. Thereupon some 40 to 50 people who were sitting in the centre of the crowd shouted back '*We shall, we shall; disperse us if you like*'. The meeting was then dispersed with a light lathi charge by the police. A man from amongst the crowd also assaulted the S. S. P. with the bamboo of a banner. Some policemen who saw him assaulting the S. S. P. intervened. The S. S. P.'s head was saved by his *Topi*. Mufti Kifayat Ullah stuck to his bench and did not move from there. He was consequently arrested. The injured man was sent to the hospital at once. . . ."

It will be observed that only one injury was caused to a man who made a very dangerous and violent assault on the Senior Superintendent of Police who was saved by the prompt intervention of the men under his command.

I now pass on, Sir, because, I think, it is important that the House should have the fullest account of the facts, and I trust that you will if necessary give me a slight latitude over the time normally allowed, to the report of the City Deputy Superintendent of Police on the events of Saturday the 12th March:

"A procession under the auspices of the Majlis-i-Ahrar, Delhi, started from the Jama Masjid today at about 3 P.M. About 2,000 Muslims joined it. About 3,000 spectators also accompanied it. They were carrying two red flags and three placards on which was inscribed '*Long live revolution, Mufti Kifayat Ullah Zindabad*', etc. They were shouting '*Inqilab Zindabad*', '*Government be ruined*', '*tyrant Government be ruined*', '*Martyrs of Peshawar and Frontier zindabad*', etc. The procession after passing through Chawri Bazar, Hauz Qazi, Lal Kuan, Fatehpuri, reached the Clock Tower at about 4 P.M., where I, along with the City Magistrate and the police force, was present. The processionists were very much excited and were shouting anti-Government slogans. The banners and placards they were carrying were seized by the police under the City Magistrate's order and the procession was dispersed after it had been declared unlawful. A person, reported to be a resident of Hauz Qazi *ilaqa*, stabbed two of the constables and was arrested on the spot with a knife in his possession. One of the constables received a serious injury on the right side of the chest."

The House will note these facts in view of the suggestion made in the Press report quoted by my friend that the conduct of this gathering had been strictly peaceful.

The report further says:

"He was removed to the Hospital at once. A good many of the processionists, who had entered Kucha Rahman, started throwing brickbats on the police. The police then dispersed the crowd in the lane and when they were coming back, a good many brickbats were thrown at them from the balcony of a room above a mosque. Some policemen got on the balcony through the common main entrance of the mosque and dispersed these men. In the meantime, the S. S. P. also reached the spot. The rifle of one of the police armed guard, which was in Chandni Chowk, went off accidentally in the air."

I mention that, because there has been a widely prevalent rumour that firing had been opened by the police and serious casualties had occurred, which is dispersed by the report of the S. S. P. No casualty resulted from this accidental discharge.

"(Note by S. S. P. 'I checked all ammunition on my arrival and found that only one round had been fired. The Head Constable concerned said it was an accident while loading'). The police returned to the Kotwali at about 7 P.M.

It is reliably learnt that the man who stabbed the constable had come with the intention of stabbing Sub-Inspector Abdul Wahid.

Foot constable Bhagwat Singh, No. 448, posted at New Delhi police station, who was going towards Hauz Kazi in a tram car in uniform was assaulted by some Muslims. He received some slight injuries.

One Mr. G. A. Heron with his wife was coming from Khari Baoli on his motor cycle. When he reached the corner of Fateh Puri he was struck by one of a crowd. On receipt of this information the police was sent there to disperse them, but the crowd had disappeared.

Later information was received that some tram cars were stopped by some men in front of Katra Nil and Ballimaran."

"The police were twice sent there and dispersed the crowd. Besides the above constables some other constables also received injuries. The condition of one of the constables who was stabbed with a knife is somewhat serious. A case under section 307 Indian Penal Code has been registered against the assailant."

I do not propose, though I have the reports in my hand, to read an account of what occurred yesterday, that is, Sunday, the 13th. Assaults

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did continue to take place, and the atmosphere is still tense, but I trust that it will shortly subside. I may at this stage make this observation, that while a mood of great tension and excitement is unfortunately still prevalent in some parts of the city, I trust that if the debate on this motion is proceeded with, any Honourable Member who takes part in it will be very careful not to say or do anything which might add to the tension and possibly lead to very unhappy results.

Now, Sir, I propose to deal more fully with the incident relating to the mosque, because I realise that both the Honourable Member himself and all the gentlemen on his side of the House, as indeed I may say, every Member of the House, will be greatly concerned with any question in which a suggestion is made that a place of worship, of whatever creed or whatever religion, has been wantonly desecrated. But I propose first to make some comments merely on the police action which has been referred to in the first part of the notice of motion. The reports which I have laid before the House have been very carefully scrutinised by the higher officials and responsible officers of the Delhi Administration, and I am fully confident that they can be accepted as reliable and trustworthy accounts of the events to which they refer. I think that no candid judge will be prepared to deny that in circumstances of great danger and difficulty the police officers concerned and the other members of the Delhi Administration acted with the greatest restraint and discipline. Now, Sir, I come more particularly to the incident relating to the mosque. I have here a report by the Senior Superintendent of Police himself who came on the spot almost immediately after the incident referred to by my Honourable friend. This is his account of the matter:

"Having arrived in this small lane from which stones were being hurled, the police were dispersing the crowd in the lane when from a small balcony—"

It will be evident from the other report I have read to the House that this balcony lies over the mosque itself:

"—another shower of stones was thrown upon them. The men—who were mostly from the police lines and not well acquainted with the city—turned and charged up at the stone throwers on the balcony. The direct way to do so was to enter a gateway which proved to be also the gateway to a very small mosque, and from the court yard of this mosque they found a staircase leading to the balcony from which stones had been thrown. It is very unlikely that any of the police realised at the time that there was any question of entering a mosque. The entrance (this is an important fact) is a common entrance to both the mosque and the house in question. Inspector Fateh Mohammad Khan and Sub-Inspector Abdul Wahid were present, though not with the advance party of police who first entered.

This was a mixed batch of police, of whom the majority were Muhammadans. It is true that they were wearing shoes"—(he is perfectly frank in the matter) "but they entered the mosque courtyard unwittingly; but, beyond that, nothing that could possibly be alleged as desecration occurred.

The action taken was to bring the stone throwers down from the balcony and to pack them off.

The lane or kucha was littered with bricks and stones where they had been hurled, so the S. S. P. saw, on his arrival, and a number of police had received minor injuries and bruises."

That, I think, is a perfectly reliable account of what actually took place, and if it is a question of the general policy of the Government of India, as indeed of all Governments in India, in this matter—though I can hardly suppose that that could really be in question—I cannot do better than

quote from a statement recently made by the late Viceroy of India, Lord Irwin. What he said was this:

"Since the advent of British rule it has been a fixed tradition of the Government of India to recognise and respect the sanctity of places of worship. This policy has been faithfully and continuously pursued; and I need scarcely dwell on the numerous acts of Government which testify to it; for they are well-known to you. Suffice it to say that the kind of acts I have in mind are the inclusion of special provision for their protection in the penal law, the continuance under British rule, in favour of many shrines, of jagirs, grants and *muafis* originally granted by rulers of the faith with which they are connected, and the elaborate arrangements which are made for the comfort and convenience of pilgrims to the places they hold in veneration.

This attitude has not been dictated by reason of self-interest, but springs from genuine conviction. It is a cardinal item of policy; and the spirit which underlies it is expressed in the proclamation of Queen Victoria relating to the freedom of religious beliefs, a passage from which I may quote to you:

"Firmly relying ourselves on the truth of Christianity, and acknowledging with gratitude the solace of Religion, we disclaim alike the Right and the desire to impose Our Convictions on any of Our Subjects. We declare it to be Our Royal Will and Pleasure that none be in any wise favoured, none molested or disquieted by reason of their Religious Faith or Observances; but that all shall alike enjoy the equal and impartial protection of the Law."

Let me assure you that I and my Government stand steadfast in those convictions. We regard as matters of the first importance the protection of all communities in the free exercise of their religious beliefs and the preservation from disrespect of the sacred places which they hold in reverence. My Government will, in future, as in the past, be scrupulous in condemning and preventing any action which may give genuine offence to religious sentiments or interfere with the use, for purposes of worship of sacred buildings, by whatever community they may be venerated.

Nevertheless, I must necessarily attach to this assurance a qualification which you yourself recognise as just. Indeed it is the essence of the matter that a sacred building should be devoted and preserved for the purpose of worship. All men condemn as unseemly the misuse of a building set apart for the service of God for the purpose of giving provocation or committing excesses. While Government always desires to respect the sanctity of places of worship, it must be a point of principle that the public should not by any action detract from, or sully, their sacred character."

Now, Sir, from the facts I have recited—and I will conclude my remarks in two minutes—it is clear that, in so far as the police entered the doorway of this mosque, it is a common doorway, and that they were greeted with a shower of brickbats. It is quite clear that no disrespect to the mosque was ever intended. A large number of the police party were themselves Mussalmans. Two of the officers immediately in charge of the party were themselves Mussalmans, and I think that that will be accepted as a reasonable assurance that no deliberate disrespect was intended to the mosque, and that in fact, no act of desecration took place.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): What about the smashing of the lantern mentioned by the Mover?

The Honourable Sir James Crerar: I have no information about the smashing of a lantern. I am perfectly confident that the official reports on the subject which I have read out to the House give a trustworthy account of the matter. Taking, then, the series of incidents to which my Honourable friend has referred on the day previous to this occurrence, and taking this incident itself, I think that the House will be prepared to recognise that the Administration of Delhi and their officers were confronted with a danger of very great difficulty indeed, in which one tactless act, and what is more important, the slightest failure to discharge their

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duty, might have resulted in a very great catastrophe. My own view is that the action which the police and the Magistrates had to take throughout these unfortunate occurrences—now, I hope, rapidly drawing to a close—was carried out in a spirit of great devotion to duty, and of the strictest discipline and restraint, and with a desire, in carrying out their duty, to inflict as little injury as possible. That, I submit, is the verdict which the House ought to pass on this motion. (Applause.)

Maulvi Sayyid Murtuza Saheb Bahadur (South Madras: Muhammadan): Mr. President, you are alive to the fact that I generally end my speech with a Persian couplet, but today I will begin my speech with Persian couplets, so that they may give cogent advice to the Government. The first runs thus:

*"Bitars az ahe muzlooman ke hangame dua karden
Ijabat az dare huq bahre istiqbal mi ayed"*.

This is the advice given by a Persian philosopher to the then Government. It means, "Be afraid of the intense and heartfelt feeling of the oppressed, when they give expression to that feeling and want to launch a complaint before the Supreme Court. The angle of acceptance comes in advance to take it to the Divine Durbar". This is an occasion when the House cannot expect me to give expression to my feeling with restraint, and I hope you will pardon me. I am one that attaches great importance to religious affairs and there is our Christian friend the Home Member who tries to assure us that they who represent the Christian Government also attach importance to that fact. The Home Member said on the 1st February 1932 that the powers given to the agents under the Ordinances are being administered and exercised with strict discipline and utmost moderation and restraint. I will refer the House to his exact words. He said:

"It is the view of the Government of India, a view fully shared by the Local Governments that these extraordinary powers (he refers to the powers under the Ordinances) must be administered (not will be) with strict discipline, as I said and with the utmost restraint and moderation and it is in that spirit that they will continue to be administered so long as they may unhappily be found to be necessary."

Sir, the Mover of the Resolution began his speech with what transpired on the 11th. So I need not enter into any details regarding it. The meeting on the second day was with the object of protesting against the high-handedness of the police who, without warning the people to disperse, began to belabour them, so much so that they were about to belabour even Mufti Kifayatulla Sahib, the President of Jamiyat-ul-Ulema-e-Hind, Delhi, who is held in great esteem by the whole Muslim public. But for his son, who offered him shelter by falling upon him, he would not have escaped a *lathi* charge. He is a lean and aged gentleman who is not keeping good health. The Home Member also might have seen him; but unfortunately he does not attend Government parties. Such a gentleman was about to be belaboured, and one Maulvi Abdul Halim Sahib Siddiqi, who was about to propose the Mufti Sahib to the Chair, and who was sitting by his side on a bench, which is described as a municipal bench, was actually belaboured. I have seen with my own eyes the wounds he has received in his left hand. Sir, the Jamiyat-ul-Ulema and Majlis Ahrar are organisations that are politico-religious and they have nothing to do with the Congress civil disobedience movement. What they wanted on this occasion was to request the Government to withdraw the Ordinances

and to permit a committee to go to the North-West Frontier Province to make an independent inquiry, so that the communiqué issued from time to time by the Chief Commissioner who is about to be made Governor of the Frontier Province and the several statements made by the reliable gentleman belonging to that province may be gone into deeply and a sifting, honest and independent inquiry may be made by them which will strengthen the hands of the Government also to a great extent if the allegations against them are untrue. The Government have not been good enough to grant this mild request. Even the Moslem Conference at the meeting of the Working Committee held recently has passed a Resolution requesting the Government to constitute an independent committee to present to the N. W. F. to go into the question affecting the Province. These are the requests that the above organisations also are making. They have not taken to the civil disobedience movement. But they may be driven to the necessity of so doing hereafter.

Sir, as regards the mosque referred to both by the Mover and the Home Member, I am in possession of a photograph of the mosque, which will dispel all doubts of even the Government. It shows the gateway which was broken into by the police on the 12th. It is a double storeyed mosque. Our friend the Honourable Member has confounded the balcony, which has been set apart for the Congregation leader (Imam) and the mosque. The balcony referred to by him is a small room, but there is a balcony which is a place of worship above the lower building. It is a double-storeyed building. Our friend might have taken the trouble of visiting the place which is not far off from here. Even now it is not too late for these gentlemen or the Members of the European Group or other non-official Members to visit the place and satisfy themselves as to whether sacrilege has been committed by the police or not. The explanation of the Government has been propounded with great sagacity and tactfulness in order to throw dust into our eyes. This morning I visited the mosque to make a sifting inquiry and to see those who were actually belaboured by the police. When a student was reciting the *Koran* there, he was belaboured to such an extent that he fell unconscious over the holy *Koran* itself and it fell down. It is astonishing that a civilised Government can tolerate all this. But can we put up with such things, Sir, any longer? If there was actually anyone who stabbed a constable, it is said the police have arrested him, and if he happens to be the real culprit, let him be brought to book and dealt with according to law. But how are the police justified in entering a mosque with shoes on, I cannot imagine, or how this kind of high-handedness can come to pass here. If my Honourable friend will take the trouble of visiting the mosque even now, he will see that there is a balcony set apart for the *Pesh* Imam, who is an aged gentleman of 70 years, a Maulvi, a professor of the Arabic College here, and even the balcony occupied by the old Maulvi Sahib has received a *lathi* blow—fortunately for him he was not charged with a *lathi*, but one can see the number of glass panes broken. Now if my Honourable friend, the Home Member—who is to retire soon—will take the trouble of seeing the balcony, he will see the lanterns broken, the doors damaged, etc., etc.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): Give it to the *Statesman* to publish it.

Mr. President: Order, order. The Honourable Member knows that on an adjournment motion there is a time-limit of 15 minutes.

Maulvi Sayyid Murtuza Saheb Bahadur: Had I known that, Sir, I would have finished my speech long ago.

Mr. President: The Honourable Member has four minutes more.

Maulvi Sayyid Murtuza Saheb Bahadur: The *Statesman*, Sir, was the forerunner of the statement which is made by the police officers and endorsed by the Honourable the Home Member. My Honourable friend Mr. Arthur Moore will excuse me for saying so. The *Statesman*, dated the 13th March, says:

"The crowds who were stoning the police—and not who were alleged to have been stoning the police—from a mosque were soon dispersed, and several arrests were made."

I see of course my Honourable friend has been misled by his reporter. He may also take the trouble to go with me and satisfy himself as to whether there is any physical possibility for any man to throw stones from within the mosque. There are huge buildings in front of the mosque. The mosque itself is located in a narrow lane on Kucha Rahman. The word "kucha", my Persian-knowing friend, the Honourable the Home Member, need not mistake for a big street: it is a narrow lane. Then, Sir, had there been any stone-throwing, as reported by the police officer, those that were arrested must have been—not only might have been, or should have been,—but must have been dealt with according to the law, but they were let off after a few minutes by the same officer. If the allegation be true, where was the necessity for letting off five or six persons who were arrested from within the mosque? They were actually let off. So, Sir, the case which my Honourable friend, the Home Member, has tried to make out cannot stand for a moment. It has fallen through and it cannot but fall through. So I would request even the Government Members to sympathise with these grievances, which, Sir, have much to do with various unfortunate matters today. Today they desecrate a mosque, tomorrow they desecrate a temple, a third day they desecrate a Gurdwara, and so on! What is the use, Sir, of reading out the Queen's Proclamation; we have read that over and over again.—Do the Government act up to the terms laid down therein? That is the question. (Loud Applause.) So, Sir, I shall conclude my speech also with the following pregnant words:

"*Bitars az ahe muzlooman ke hangame dua karden
Ijabat az dare huq bahre istiqbal mi ayed*".

"For the stability of any Government it is quite necessary that it should see that no community which has a religious bend of mind is injuriously affected and its religious feeling wounded".

With these words of warning and advice I resume my seat.

Mr. Gaya Prasad Singh: Sir, I should like to offer a few observations on this motion; and my only justification for doing so is that I was an eye-witness to some of the incidents related here by some of the previous speakers. Sir, I went to the city yesterday and the day before in the evening. But before coming to the incidents of which I have been a personal eye-witness, I should like to refer for a moment to the speech of

my Honourable friend, the Home Member. It was very refreshing to find my Honourable friend giving an assurance to this House that he has put himself in the closest touch with the incidents which happened in the city during the last three or four days. I would like to know from him whether he ever took the trouble of visiting the scene of the occurrence, and of witnessing the mosque in question. Evidently, Sir, he has not seen the mosque, and he relies upon the information which has been supplied to him by his subordinate officers who in fact are the accused in this case, and who cannot expect that their version must be accepted as necessarily true by this House or by the country outside. (Hear, hear.) Sir, during the course of his speech my Honourable friend was interrupted, and asked whether he saw the lantern broken in the mosque; and my Honourable friend not having seen the place of occurrence could not reply. Sir, I saw the mosque, and the lantern that was broken. I should now like to refer to that part of the speech of my Honourable friend in which he has stated that anti-Government slogans were shouted by the people who had assembled in the Queen's Garden for the purpose of holding a meeting. My Honourable friend the Mover of this motion has quoted extensively from the *Statesman*, and so far as I can remember, the *Statesman* does not refer to any anti-Government slogans having been uttered at the meeting. Everybody knows, Sir, the attitude of the *Statesman* with regard to incidents like these, and the soft corner it has for the Government: but I have failed to notice any sort of reference made to anti-Government cries at the meeting.

Mr. C. C. Biswas (Calcutta: Non-Muhammadian Urban): That might have been due to "softness" for Muhammadans!

Mr. Gaya Prasad Singh: I have in my hand, Sir, another paper, the *Hindustan Times*, from which I make this one quotation:

"Exactly at 4 P.M. all the officers headed by Mr. deGale made their way to the place where the meeting was being held. Sub-Inspector Abdul Wahid communicated to the people assembled that if in the meeting anything was said against the Ordinances, the meeting would be declared unlawful. The conveners had hardly time to reply when some among the audience replied that they would speak against the Ordinances. This was the signal for a severe *lathi* charge on the audience."

It was not the light *lathi* charge as stated by my Honourable friend, the Home Member. Sir, I proceed further:

"The armed policemen who were standing by rushed to the scene of the meeting and began showering *lathi* on the crowd. People ran in a panic, but the Police chased them on all sides for many furlongs. Many people received injuries."

* This narration of facts also does not refer to any anti-Government cries that are said to have been raised by the people. Mufti Kifayatullah Sahib who, I understand, is the President of the All-India Jamiat-i-Ulema, was arrested; and he was marched off to the lock-up. This gentleman occupies a very high and honourable place in the Muslim world. I have no doubt that when my Honourable friend Maulvi Shafee Daood-Nagri gets up to speak on this motion, he will pay a high compliment to the position which the Mufti Sahib occupies as the President of the Jamiat-i-Ulema; because I remember some years ago

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): It is dragging an irrelevant matter into this question.

Mr. Gaya Prasad Singh: Can I not refer to you?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Honourable Member should address the Chair.

Mr. Gaya Prasad Singh: Sir, my Honourable friend Maulvi Shafee Daood-Nagri—he comes from a village called Daood-Nagar in my own district of Muzaffarpur in Bihar—used to swear by the name of the Jamiati-Ulema, and the name of Mufti Kifayatullah. That is why I said . . .

Maulvi Muhammad Shafee Daoodi: I object to this sort of speech of my Honourable friend.

Mr. Gaya Prasad Singh: I therefore thought, Sir, that my Honourable friend had still some respect and regard for this gentleman.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Why is the Honourable Member bringing up the name of Maulvi Shafee Daoodi so often in his speech? If he holds any views he will give expression to them.

Mr. Gaya Prasad Singh: However, I will proceed with the subject-matter of this motion.

Yesterday in the evening I went to the city, and I had a keen desire to see the mosque. I went up to the front of the mosque, but I was hesitating to go inside it. Amongst the crowd that were collected there, three or four respectable Muhammadans asked me whether I wanted to see the mosque. I replied that I would like to if they had no objection. I told them at the outset that I was a Hindu, and I did not know whether I should be allowed to go inside the mosque. On being taken into the mosque, I took off my shoes as every body else who enters into a mosque has to do. I saw the remnants of broken earthen pitchers littered all over the place, and it was represented to me that they were the vessels from which our Mussalman friends do *Wazu* or the ablutions before performing their *Namaz*. Some glass panes were also broken. I was led upstairs into a room. There I saw a big lantern which was hanging down. It was also broken and smashed. It was stated to me that a boy who was reading the holy Koran was assaulted and beaten as well as a few others. I also saw the *lathi* marks on the adjoining wall. It was represented to me that the constables who entered into the mosque with shoes on had battered down the gate at the entrance of the mosque, and when they went upstairs another panel of doors was also broken down which I saw with my own eyes. It was stated to me that the posse of constables who entered were led by Sub-Inspector Abdul Wahid. Sir, this was what I actually saw with my eyes. Then I went into the neighbouring *gali* which is called Kucha Rahman, and there I was told that a shopkeeper who deals in laces and other things, out of the fear of the police ran away, and the police carried away the bundle of the laces with them. The fact that I am not drawing upon my imagination will appear from a short statement which has appeared in the vernacular paper called *The Kaumi Gazette*, dated the 14th March, 1932, in which it is stated that the shopkeeper fled out of the fear of the police and the police carried away his *gathri* (bundle). The police pursued the people from the Clock Tower right up to Ballimaran and administered *lathi* blows on them. I saw, Sir, many people running away in panic in Kucha Rahman, and I was also asked to run away with them. (Laughter.)

But I chose the opposite course. I said to myself: "Let me take a little bit of risk and see how things go on". I went on to the main thoroughfare; and on the other side of the road near about the red building of the Town Hall, I saw a large posse of constables running after people and chasing them at random and beating some of them. I quietly went up to them, but I did not talk to any one. I am very thankful to the Police that, although I went so near them, I escaped unhurt. Sir, these *lathi* charges of the police constitute a very disquieting feature in the situation at the present time. This policy has been adopted by an order, I am afraid, which has emanated from the Government of India and which has been communicated to all the Local Governments for guidance. Sir, Government apparently think that the nationalist activities of the people would be subdued and cowed down by the threat of these *lathi* charges and the policy of terrorism. Sir, I have nothing to say about the Police, which is a mercenary force. I am sure it will be as ready to turn against the Government at one time as it is ready to support them now. But, I am afraid Government will be mistaken if they think that these *lathi* charges are going to subdue the people. The Congress manœuvred the whole position, and it has succeeded in its attempt. The Congress wanted to put the Government in the wrong. The Congress thought that the flagging zeal of the people would be aroused most effectively if the Government adopted a repressive policy against them, and the calculation of the Congress has come true. I beseech the Government in their own interests and in the interest of the country, to refrain from indulging in a policy which may have disastrous consequences. To-day, Sir, it is the Hindus who are subjected to these *lathi* charges, and the Government relies upon the Mussalmans and members of other communities to support them. Tomorrow it will be the turn of the Mussalmans, and the Government will rely upon other communities. Sir, it has been said by a well-known statesman, "You can fool some people all the time, and all people for some of the time, but you cannot fool all the people all the time". (Cheers.)

Maulvi Muhammad Shafee Daoodi: Sir, in the short space of time, we have to discuss this motion for adjournment, I want the Honourable Members of this House to concentrate their attention on the most important question out of all that has been described here. I submit there are lots of incidents which happened during the two days of which we have heard the description, but the one which took place on Saturday when the mosque was desecrated was the most important of all questions. It concerns every Honourable Member of this House, to whatever community or religion he might belong. I would therefore confine my remarks to this question. I would have finished after saying that, but for the provocation which my Honourable friend, Mr. Gaya Prasad Singh, gave me which, however, I would not take it in that light.

There is no denial of the fact that the mosque was desecrated.

The Honourable Sir James Crerar: I take strong exception to the statement that the mosque was desecrated.

Maulvi Muhammad Shafee Daoodi: The Honourable the Home Member has so far admitted that some of the policemen entered the mosque with

[Maulvi Muhammad Shafee Daoodi.]

their shoes on. He has admitted that. He has further admitted that a few men were arrested in the mosque. So far it is admitted. We have got information that those few men who were arrested were released soon after arrest. The further information that we have got—and I do not doubt it at the present moment,—the further information is that the door of the mosque was shut from inside and the police broke open the door. There are signs of the door having been broken open. It is not a myth which I am saying, it is a fact, the broken doors are there. The police entered the mosque, there is no doubt about that. Now, of course, the fact whether they belaboured the men who were inside the mosque or not, that is not admitted by the Honourable the Home Member. Also, there was a student who was reading the Koran, whether he was disturbed at the time of reading the Koran or not, that is of course not admitted by the Honourable the Home Member. But the very fact that the police entered the mosque in the way they did is a desecration, and I would ask the Honourable the Home Member to consider whether the police had any justification for that act. Now, as the Honourable the Home Member has said that the crowd was being dispersed and some of the men in the crowd fled towards that lane and some of them entered the mosque. God knows what had happened, but it appears that the police thought that some of the crowd had entered the mosque, and when they entered the mosque, they closed the door from inside. Now, I would ask the Honourable the Home Member to consider whether there was any necessity to follow the men and to pursue them inside the mosque.

The Honourable Sir James Crerar: Because stones and brickbats were being thrown from the balcony on to the police below.

Maulvi Muhammad Shafee Daoodi: The Honourable Member has already said that. I must say as regards the throwing of brickbats, that it is physically impossible to throw any brickbat from the mosque on to the people or the police who might be passing through that lane. Absolutely impossible.

Mr. Gaya Prasad Singh: Or even on the police in the main thoroughfare.

Maulvi Muhammad Shafee Daoodi: It is to the interest of the police to show that brickbats were being thrown from the mosque.

Mr. C. C. Biswas: Supposing that brickbats were thrown from the mosque, would you not still justify the action of the police?

Maulvi Muhammad Shafee Daoodi: I am dealing with facts. I say that brickbats could not have been thrown from the mosque. It is impossible to believe that for one moment. Therefore it is a fact that requires an enquiry and investigation and I should think that Government would be well advised to enter into these questions and institute an enquiry by independent men. I would suggest you should take some of the Honourable Members of this Assembly and entrust them with the duty of seeing the mosque and enquiring into these facts. Unless the Government do that, I submit the feeling amongst the Muslims would grow every day to a very dangerous extent. I am not in the habit of

threatening Government; it is not in my way of doing things. I say what I feel. I find the whole country is up against this act of sacrilege ever since it has been brought to the notice of the public. It is for the Government to show what led to this entry into the mosque with shoes on. Of course, it is for the men to show that they were belaboured in the mosque and that the student who was reading the Koran was obstructed in his study. It is for the people to show all that. But, facts must be brought to light by independent men. It would not do to ignore these facts.

The next question is this, supposing some brickbats were thrown from some portion of the mosque at the police—I am sure they cannot prove it—but supposing that to be the case, I should have thought that to enter a mosque, they should have hesitated a hundred times. Entering a mosque for the purpose alleged is a very serious matter. It is not said that anybody among the police was injured by the brickbats.

The Honourable Sir James Crerar: The Superintendent of Police reports that on his arrival he saw a number of police who had received injuries and bruises.

Maulvi Muhammad Shafee Daoodi: Does he say that these brickbats injured some of the Police?

The Honourable Sir James Crerar: He saw brickbats and stones lying about in the lane and a number of policemen who had received injuries.

Maulvi Muhammad Shafee Daoodi: Let us see whether they are correct or not. It is a question of fact. This is my first point. My second request is this. At once there should be standing orders issued throughout the country that no places of worship should be desecrated in the way they are alleged to have been desecrated. Immediate orders should be issued throughout the country that this should not be done. I hope the Honourable the Home Member will take my advice and see that it is done at once. In spite of provocation, unless that provocation leads to bloodshed, places like the mosque should not be desecrated; they should always be respected.

Then, my Honourable friend Mr. Gaya Prasad Singh had something to say against me. I do not want to retort to him. He asked me to tell him what I thought about Mufti Kifayatullah. I would only answer facts, but not jokes which my Honourable friend had been causing in this House, as they should be naturally ignored. When Mufti Kifayatullah is now in jail, I should not have spoken one word in regard to him. But my Honourable friend has put me a direct question, and I must say what I feel on that. Sir, my friends should know that Mufti Kifayatullah has thrown in his lot with the Congress and is trying to drag the Muslim community in to support the Congress movement.

Mr. B. Das (Oriasa Division: Non-Muhammadan): What is wrong in that?

Mr. Gaya Prasad Singh: You were in the Congress once.

Maulvi Muhammad Shafee Daoodi: I say that this is what he has done, and I do not share his views on that question. On the contrary I oppose him on that point. Mufti Kifayatullah may have found for that reason a strong advocate in my Honourable friend, Mr. Gaya Prasad Singh, who is a great Mahasabhaite in India. If the Mufti Sahib has got any support, I do not grudge him that. But I am not going to say anything as to whether the Mufti Sahib was justified in taking the action he did or whether the police made excesses at the time of dispersing the assembly, because I have not made any inquiries on those points. I have confined myself only to the question of the mosque on which I feel very strongly, and confined myself to that alone.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I have always held very strong views about keeping law and order, and I have never supported nor will ever support any one who breaks the law, whatever may be his position in society and whether he be a religious head or a political head or without any head at all.

Mr. Gaya Prasad Singh: What will you do about people who break heads? (Laughter.)

Mr. Muhammad Yamin Khan: That is the position, Sir. If the law was broken by any one or a procession was taken out by any one in contravention of the law,—whether the law be good or bad,—that man will never find any support from me. But here two questions have been mixed up. The real motion of adjournment was intended to bring to the notice of Government the happenings in the mosque, and Mr. Maswood Ahmad incidentally referred to the question of the procession, and I think . . .

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): He referred also to police excesses.

Mr. Muhammad Yamin Khan: About that point I do not want to say anything or to test it or to discuss it.

Mr. Gaya Prasad Singh: It is not safe to do so.

Mr. Muhammad Yamin Khan: I do not see eye to eye with Mr. Maswood Ahmad when he says that the procession which was going to hold a meeting in Queen's Garden was peaceful as he describes it, or that it retained its peacefulness till the last. But the point which I have in mind—and it was ignored by Mr. Maswood Ahmad and also by the Honourable the Home Member—is whether it should or should not be allowed to the police force to enter any place of worship in the manner they did in this case. Whatever might have been the report of the Senior Superintendent of Police or of the City Magistrate, the photographs which we have seen just now belie those reports; and I find from the photographs that the earthen pots which are used in the mosque for ablution purposes are littered all over the floor in a broken condition. No explanation has been given as to how they were broken. If the police entry into the mosque was peaceful, as alleged by the Senior Superintendent and the City Magistrate, I fail to see how these things could have been broken and scattered all over the floor. How was it possible for the lanterns to have been broken and damaged as I saw in a photograph just now?

Mr. C. C. Biswas: Might have been done by the men in the mosque?

Mr. Muhammad Yamin Khan: The men in the mosque would be the last persons to do any damage to the property of the mosque. No true Mussalman would ever do it even for exhibiting a photograph and accusing other people. I do not believe that a Hindu or somebody else would have thrown these things or that Mussalmans brought these things from outside. Here in this photograph we find that the lanterns are hanging with broken glasses and the earthen pots used for washing purposes are broken and scattered all over the floor. That shows that the police entry was not as peaceful as has been alleged in the police report. They have minimised the guilt of their subordinate officers, and I cannot attach any value to such a report. However, Sir, I think it will add to the prestige of Government to come forward and make a full inquiry in a matter like this. It is a very serious affair, and whoever commits such an act of desecration,—whether he be a Government servant and however highly placed he might be—deserves to be dealt with properly. I think the prestige of Government will rise if they do not allow any wrong done by their officers to escape their attention. I am a strict disciplinarian and would never permit a serious act like this to be minimised. In the eyes of all peaceful citizens who have respect for law and order those officials who break the law are equally to be condemned as those who violate it. From the evidence which we have got, it is clear that the entry into the mosque was not as peaceful as they want to make out, and the only proper remedy is that Government should rise to the occasion and make an independent inquiry instead of trusting the superior officers of those people who were really concerned in the affair. They should have a committee of unbiassed people who will place before Government the facts in their true light. And if it is found that these people have done something which brings the Government into ridicule, these persons should be dealt with properly; and this will raise the Government in the eyes of all law-abiding citizens. This excuse that the men did not know that it was a mosque is absurd. He could have seen from the gate that it was a mosque. When a man enters a mosque he must know that the floor is of a mosque; he knows that there is a raised pulpit. Can my Honourable friend the Home Member say that if a Christian goes to a church and sees the pulpit and other things he does not know that it is a church? Nothing of the kind. No Muslim can make a mistake about this.

Another matter is the reason for the ladder being shown in the photograph because he went up to the balcony by means of it. If a man says when he comes to the Assembly, "I want to go to the Press Gallery and I will do so by putting up a ladder from the floor of the House, because I understand the entrance to the House is from the lobbies", can any one believe him? It is an absurd idea. Government will never increase their reputation by this kind of reports: they will only lower themselves and their officials in the eyes of people who have been supporting them. If they find that Government are going on wrong versions, it will bring discredit on the reports which come to them from time to time from different quarters in India. So I think Government will be perfectly justified, and they will add to their prestige if they do not ignore this thing which has happened at a very short distance from here, but to make an impartial and full inquiry into this matter and not to let this feeling grow or a suspicion lurk that Government do not care for the religion of

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the people which is very near their heart. With these words I support the motion only so far.

Mr. W. A. Cosgrave (Assam: Nominated Official): Mr. President, although I have been a Member of this Honourable House off and on for seven years I have not had the privilege yet of addressing the House since you have become President. I therefore take this opportunity, when speaking perhaps in the last session that I will be in this House, of thanking you for giving me an opportunity of speaking in this important debate.

I fully realise the sincerity with which some Members in this House have taken up this subject. I refer particularly to my Honourable friend, Maulvi Shafee Daoodi and the Honourable Mover, Mr. Maswood Ahmad. I realise that in this case they do feel most seriously that their religious places have suffered some harm, and I only wish that the same high standard had been kept up by speakers on all sides of the House. When I heard the speech of the amateur detective who comes from Bihar and Orissa,—my Honourable friend Mr. Gaya Prasad Singh,—I do not know how he managed to disguise himself so well as a sleuth that he escaped the notice of the Police—but when I heard his speech, I was really sorry that the level of the debate had been somewhat lowered from what it had been at first.

Now, my Honourable friend, Mr. Yamin Khan, has made it perfectly clear, and I think other Members in the centre of the House have also made it perfectly clear, that they, unlike some of the gentlemen on the opposite Benches, have no quarrel as regards the action of the police taken in dispersing a procession which was declared unlawful, not by the Sub-Inspector of Police, but by the City Magistrate; and the issue has been narrowed down, I think, perfectly fairly by my friend, Mr. Yamin Khan, to the incident in the mosque. I for one have got the very greatest respect for all religious places, and I take off my shoes on entering a mosque, just as I know my friend, Mr. Yamin Khan, will take off his *topee* when he comes, if he ever comes, with me to a church.

As it seems to me that this House has rather lost its sense of proportion in dealing with this case, I may perhaps be allowed to draw attention again to the statement of the actual occurrence which has been so lucidly put forward by the Honourable the Home Member. The police in dispersing a procession had been attacked by rioters who ran down a narrow lane and two constables had been stabbed, one seriously injured—and a case under section 307 of the I. P. C. to which I do not want to refer is pending against the man who stabbed the two constables: the police naturally had to clear the narrow lane. They went down to this place called Kucha Rahman to clear the narrow lane. I submit that if the police, when clearing a narrow lane, saw stones being thrown from a balcony or gallery above a narrow lane, or what we call a *cul de sac*, if the police saw stones being thrown from that balcony

Mr. K. C. Neogy: If.

Mr. W. A. Cosgrave: I say "if"—I know my friend, Mr. Neogy, quite well and I know he is always fishing in troubled waters

Mr. K. C. Neogy: That is what you do, the whole lot of you.

Mr. W. A. Cosgrave: When I say "if" I admit that I am accepting the official report: I will deal later on with the question as to whether more attention or value should be attached to the report of the very competent and very experienced officer who is at present the Deputy Commissioner of Delhi and who will shortly become its Chief Commissioner, as we are all very glad to note, or whether more attention ought to be paid to that newspaper which I sometimes read with my breakfast—the *Hindustan Times*. To go back to my argument, I say, assuming as correct—and I for one accept it as correct—the report of Mr. Johnson, the Deputy Commissioner based on the report of a perfectly independent European Senior Superintendent of Police who had an experienced Muhammadan Deputy Superintendent of Police with him.

Mr. Muhammad Yamin Khan: May I ask whether Mr. Johnson made inquiries himself personally?

Mr. W. A. Cosgrave: Mr. Johnson wrote the report which has been quoted by the Honourable the Home Member. I say that after the police in that narrow lane had two of their men stabbed, if they had stones thrown on them, I suggest they were quite justified in trying to clear the balcony from which the stones had been thrown. I have seen these pictures and I wish that my friend Maulvi Sayyid Murtuza Sahib had laid his cards or rather his photographs on the table a little earlier, because then we could have seen how many stair cases or how many steps there are up to the balcony or gallery: according to the photograph as I saw it in a very cursory manner craning my neck over the necks of two other gentlemen, there was only one stair case up to the gallery which is apparently the balcony from which the stones were thrown.

An Honourable Member: Were any thrown?

Mr. W. A. Cosgrave: There again I accept the report of the District Magistrate: I think it is quite clear

Khan Bahadur H. M. Wilayatullah: Is it stated anywhere in the report that entry into the mosque was unavoidable and absolutely necessary in the circumstances? The men arrested were released immediately by the police.

Mr. W. A. Cosgrave: I think that it is clear from the photograph that it was the only approach to the balcony. Naturally when the police were attacked they were bound to go the shortest and quickest way to get to the gallery from which they had been stoned, and I think that they were justified in going there. It may be that the constables ran ahead of the Sub-Inspector. But I think that they had every justification in going up to clear the gallery, and I for one cannot believe that there was any deliberate intention to desecrate the sacred building. Here I address myself particularly to my friend, Mr. Yamin Khan, who is an old friend of mine,—I have known him for the last 7 years, and he is a barrister of experience. (Hear, hear, from the Nationalist Benches)—I am not addressing myself to the sympathisers of the Congress on the opposite Benches

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member has to address his observations to the Chair.

Mr. W. A. Cosgrave: The point I wanted to put was this: My friend Mr. Yamin Khan put his case extremely well and moderately but I would like to put this point. Supposing there was a balcony above the mosque and a bomb was thrown from that balcony or a pistol was fired from that balcony,—I believe and I hope that pistols are never fired from mosques,—would not the police have been justified in going into the mosque to arrest the culprits? All that has really emanated after all this thunder is, as far as I can see from this report, that the constables in the heat of the moment ran ahead of their superior officer,—and mind you, some of them were Muhammadans,—and ran into the mosque. Now, Sir, I thoroughly share all this respect for religious feelings, but I do think that some allowance must be made for constables who were being attacked with stones, especially just after two of them had been stabbed with knives, and I do think,—I know, Sir, I am addressing the whole House, but if I may say so I think my words may appeal more to the Members in the Centre of the House than to some of the Members sitting on the opposite Benches,—I do think that this is not a matter for censure of Government as a whole, and I hope that this Honourable House will not see any reason to adjourn as a mark of censure considering the difficult situation with which the Delhi police and the Delhi Magistrates have had to deal during the last week end.

Several Honourable Members: The question may now be put.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, I will say just a few words about this matter. It was difficult for me to follow the last speaker. Whether he considers the occurrence as a serious one or not, I do not know exactly what his view is or the view of the Government. There can be no doubt whatever that this occurrence has aroused a very great deal of feeling in the community; in fact, I might say it has caused excitement and a great deal of unrest among the Muslims of this city, and I am afraid that this feeling will be reflected throughout the country. The view I take about this incident is that it is a natural consequence of the enforcement of the Ordinances and of the way in which they are being worked. Now, for instance, Mufti Kifayatullah is a very well known man, and he is certainly regarded as a religious head of the Muhammadan community throughout India (Applause). He is held in the very highest esteem and respect, and I am sure, whatever explanation Government may give about his arrest, the arrest of a man like Mufti Kifayatullah, will be resented very bitterly by Muhammadans throughout India. The Jamiat-i-Ulema, of which he is the President, is a body of theologians who are held in the highest respect by the community and whose advice is implicitly followed in all religious matters by the Mussalmans. I should like the Honourable the Home Member to consider whether the arrest of a man like that is not an event which is bound to excite very serious feelings in the Muhammadan community? Was it inevitable? This gentleman had gone to preside over a meeting. Whether he was actually proposed to the Chair or not, I do not know, but he had not certainly delivered any speech nor did any other

member make a speech. I should have thought that under the circumstances the least that the police could have done was not to take action until something had been said by a man of Mufti Kifayatullah's position to justify the police in arresting him. Some of the processionists might have shouted slogans of an undesirable character, but Mufti Kifayatullah did not do so. Surely before the police arrested a man of his standing and position, they ought to have waited and seen what he was going to do. Supposing any Honourable Member of this House holding a position similar to anything like the position which Mufti Kifayatullah holds wanted to speak on the subject whether the North-West Frontier Ordinances were justified or not, is he liable to be arrested before he says anything which can come within the purview of the Ordinances or the ordinary law? Surely not. As regards the desecration of the mosque, it may be that desecration was not intended, but the facts do amount to desecration in the opinion of the Mussalmans who are concerned. Now, supposing some brickbats were thrown from the balcony, even then the duty of the police, unless they lost their heads, was to ask the men in charge of the mosque to stop the men inside from throwing brickbats and to see that they did not throw brickbats. That is the least they could have done before entering the mosque and assaulting the people inside the mosque. Conduct like this on the part of the police is bound to be resented by the community, and I therefore think that the least the Government can do in a matter like this, when some of the facts are disputed, is to institute an impartial inquiry. If they do that, and if the facts that may be elicited support the Government version, well and good, otherwise Government ought to take action against the officers concerned in this affair.

Several Honourable Members: The question may now be put, Sir.

Mr. President: I accept the closure.

The question is that the question be now put.

The motion was adopted.

The Honourable Sir James Crerar: Sir, I think that generally speaking I may say that the remarks of the Honourable gentleman behind me to the effect that during the greater part of the debate the action of the police in dispersing the unlawful assembly has not been challenged and that the greater part of the debate concentrated upon the question of the mosque. The only subsequent speech which would tend to alter that general view is that of the Honourable and learned gentleman who has just resumed his seat. He referred to what he regarded as the impropriety on the part of the executive authorities of Delhi in arresting Mufti Kifayatullah before he had given any indication of the nature of the speech which he was about to make. I should like to say that on the day on which these occurrences took place Mufti Kifayatullah did make a very strong and a very violent speech attacking the Government, and subsequently the behaviour of the procession which he headed on the way to the Queen's Garden was certainly of such a character that it could not be regarded as a peaceful procession. It was duly warned by the City Magistrate before the police took action. Therefore, I do not think that there is any

[Sir James Crerar.]

ground for suggesting that the action of the police was illegal or had anything whatever to do with the Ordinances. Action was taken under the ordinary law, the Criminal Procedure Code. I say, therefore, that, so far as that incident is concerned, there is no ground for the contention that the action was precipitate or unjustified.

I will pass very briefly to the question relating to the mosque. With regard to that, Honourable Members I think have been impressed by what was said by my Honourable friend Mr. Cosgrave with the executive experience that he possesses. It should be very carefully considered by the House in dealing with disorders of this kind the police have a specially difficult task when they have to enter narrow and confined lanes in order to check them with the utmost promptitude. Let me remind the House that, because the police were not able to do that with sufficient rapidity, only a year ago a very grave tragedy took place in another city in upper India. My point is that, when the police have to enter these narrow lanes, one of the greatest dangers to which they can possibly be exposed is that of missiles, brickbats, etc., thrown from above causing them serious injury, and sometimes even causing death—that is one of the greatest dangers to which they are exposed, and they cannot perform the duty or discharge the orders that are given to them until points of attack of that kind are cleared. And that, I think, was the unfortunate duty which fell upon the police in this case.

The Honourable and learned gentleman asked me whether Government considered this a serious matter. Most certainly Government considered it a serious matter. They considered it a serious matter that the police should have to disperse an unlawful assembly at all. They considered it a very serious matter that action had to be taken,—speedy, rapid, and if necessary, somewhat drastic action,—in order to prevent such an extension of disorder as might have involved the city of Delhi in a great calamity. I quite agree that the matter was very serious, and I sympathise myself very much indeed with the great concern which has been expressed on this subject by Honourable Members in the Centre Benches. (*An Honourable Member*: "That is only lip sympathy.") But when I have to weigh the actual record of the occurrences, when I have to weigh the deliberate report of an officer of the experience and of the integrity of the present Senior Superintendent of Police, I am bound to give a greater degree of credit to the report of such a responsible officer than I can possibly give to a newspaper report, the authority of which is entirely unknown. Therefore, I am bound to hold, although the police officers in this case unfortunately had to enter this mosque, in view of the fact that the greater part of this police party were themselves Mussalmans and were under the direction of Mussalman officers, I cannot believe that anything was done in the way of deliberate and wanton damage, still less of desecration. I shall consider the views which have been expressed by my Honourable friend Mr. Shafee Daoodi in careful consultation with the Chief Commissioner, and I shall consider in consultation with him whether any further action is necessary in this matter. But I am bound to adhere to the views which I have already expressed, and if I am asked to compare the credit of a responsible report of a responsible officer, which has been communicated to me through the higher officers of the Administration, with that of a newspaper report, I

am bound to accept the former in preference to an irresponsible report in the Press. Therefore, I ask the House to affirm that, in the unhappy, difficult and dangerous situation with which the Delhi authorities had to deal in the last two or three days, they have acted well in the discharge of their duty, and that being so, I submit that they are entitled to the confidence and the support of this House. (Applause.)

Mr. President: The question which I have to put is:

"That the House do now adjourn".

The Assembly divided:

(As the Division results were about to be announced, an Honourable Member came to the Secretary's table asking for permission to record his vote.)

The Honourable Sir George Rainy (Leader of the House): It is a very important matter on which the House would like to have the considered ruling of the Chair, as to whether a Member who had not passed through the lobby at the proper time is entitled to vote?

Mr. D. K. Lahiri Chaudhury: On a point of information. It was the custom of the House that votes were counted before declaration in your predecessor's time

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair wishes to follow at present the precedent which was laid down before, namely, that votes are accepted at the table, but the Chair wishes to make it clear that it reserves to itself the power to reconsider the matter in all its aspects before giving its considered ruling. On the present occasion following past practice, it allows the votes to be recorded.

AYES—47.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Ahmed, Mr. K.
Anwar-ul-Azim, Mr. Muhammad.
Azhar Ali, Mr. Muhammad.
Chandi Mal Gola, Bhagat.
Chinoy, Mr. Rahimtoola M.
Das, Mr. A.
Das, Mr. B.
Fazal Haq Piracha, Shaikh.
Ghuznavi, Mr. A. H.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Ibrahim Ali, Khan, Lt. Nawab
Muhammad.
Ishwarsingji, Nawab Naharsingji.
Ismail Ali Khan, Kunwar Hajee.
Ismail Khan, Haji Chaudhury
Muhammad.
Isra, Chaudhri.
Jehangir, Sir Cowasji.
Joshi, Mr. N. M.
Krishnamachariar, Raja Bahadur G.
Lahiri Chaudhury, Mr. D. K.
Liladhar Chaudhury, Seth.

Maswood Ahmad, Mr. M.
Misra, Mr. B. N.
Mittra, Mr. S. C.
Mody, Mr. H. P.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Neogy, Mr. K. C.
Patil, Rao Bahadur B. L.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Reddi, Mr. T. N. Ramakrishna.
Sadiq Hasan, Shaikh.
Sarda, Diwan Bahadur Harbilas.
Shafee Daoodi, Maulvi Muhammad.
Singh, Mr. Gava Prasad.
Sitaramaraju, Mr. B.
Sohan Singh, Sirdar.
Suhrawardy, Sir Abdullah.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Wajihuddin, Khan Bahadur Haji.
Wilayatullah, Khan Bahadur H. M.
Yamin Khan, Mr. Muhammad.
Ziauddin Ahmad, Dr.

Acott, Mr. A. S. V.
 Ahmed Nawaz Khan, Major Nawab.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Allison, Mr. F. W.
 Anklesaria, Mr. N. N.
 Azizuddin Ahmad Bilgrami, Qazi.
 Bajpai, Mr. R. S.
 Banerji, Mr. Rajnarayan.
 Brown, Mr. R. R.
 Clow, Mr. A. G.
 Cocke, Sir Hugh.
 Cosgrave, Mr. W. A.
 Crerar, The Honourable Sir James.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Dumasia, Mr. N. M.
 Fox, Mr. H. B.
 French, Mr. J. C.
 Gidney, Lieut.-Colonel Sir Henry.
 Graham, Sir Lancelot.
 Gwynne, Mr. C. W.
 Heathcote, Mr. L. V.
 Howell, Sir Evelyn.
 Jawahar Singh, Sardar Bahadur
 Sardar.
 Lal Chand, Hony. Captain Rao
 Bahadur Chaudhri.

Macqueen, Mr. P.
 Moore, Mr. Arthur.
 Morgan, Mr. G.
 Mukherjee, Rai Bahadur S. C.
 Nixon, Mr. J. C.
 Noyce, Sir Frank.
 Pandit, Rao Bahadur S. R.
 Puri, Mr. Goswami M. B.
 Raghubir Singh, Kunwar.
 Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Rama Rao, Diwan Bahadur U.
 Rau, Mr. P. R.
 Ryan, Mr. T.
 Sahi, Mr. Ram Prashad Narayan.
 Sarma, Mr. R. S.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Seaman, Mr. C. K.
 Sher Muhammad Khan Gakhar,
 Captain.
 Studd, Mr. E.
 Sukhraj Rai, Rai Bahadur.
 Tait, Mr. John.
 Wood, Sir Edgar.
 Young, Mr. G. M.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 15th March, 1932.

LEGISLATIVE ASSEMBLY.

Tuesday, 15th March, 1932.

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

QUESTIONS AND ANSWERS.

RATES FOR COMMON LABOUR IN THE DELHI PROVINCE.

791. *Mr. E. F. Sykes: (a) Will Government please say what rates are being paid for common labour in the various Government Departments and Municipal bodies in the Delhi Province?

(b) If Government have any information as to the rates paid by private employers, will they be good enough to give them?

Mr. A. G. Clow: (a) and (b). I presume that the Honourable Member means by common labour unskilled labour. An endeavour will be made to ascertain the level of earnings for such labour on building work for Government and private employees. If reliable figures can be secured, they will be placed on the table.

Mr. E. F. Sykes: May I ask the Honourable Member if he means to say that he does not know what is being paid at the present moment?

Mr. A. G. Clow: Not by private employers, certainly, Sir.

Mr. E. F. Sykes: May I ask how long he will take to ascertain this?

Mr. A. G. Clow: I hope it will not take very long.

†792—800.

DISREGARD OF THE CHILD MARRIAGE RESTRAINT ACT.

801. *Lala Rameshwar Prasad Bagla: (a) Will Government please state if they are aware that the Child Marriage Restraint Act of 1929 stands only in name on the Statute Book and is being utterly disregarded in practice?

(b) Will Government be pleased to state what steps, if any, they or the various provincial Governments to their knowledge have taken for the strict enforcement of the above Act?

(c) If the reply to part (b) be in the negative, will Government please state what measures they now propose to adopt in this matter?

The Honourable Sir James Crerar: I would refer the Honourable Member to the reply I gave in this House to parts (b), (c) and (d) of starred question No. 72 on the 9th September, 1931, on the same subject.

†These questions were included in the list of questions on the 14th March, 1932.

NUMBER OF CONVICTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT.

802. *Lala Rameshwar Prasad Bagla: Will Government please state, after enquiring from the various local Governments, the total number of convictions made in their respective provinces on account of disobedience of the Child Marriage Restraint Act?

The Honourable Sir James Crerar: 34, according to the information available.

COST OF BRITISH AND INDIAN SOLDIERS AND OFFICERS IN INDIA.

803. *Lala Rameshwar Prasad Bagla: (a) Will Government kindly inform the House of the approximate expenditure incurred on the maintenance of the British troops in India?

(b) Will Government please state the starting salary of an Indian soldier and also that of a British soldier?

(c) Will Government please also state the highest salary at present drawn by an Indian military officer and also by a British officer?

Mr. G. M. Young: (a) About Rs. 13 crores a year.

(b) The minimum pay of an Indian sepoy is Rs. 16 a month; that of a British private Rs. 1/8/- a day.

(c) The most highly paid combatant Indian King's Commissioned officer so far is drawing Rs 975 a month, less a temporary cut of 10 per cent. The most highly paid British officer is His Excellency the Commander-in-Chief, whose salary is Rs. 1 lakh a year, less a temporary cut of 15 per cent.

Dr. Ziauddin Ahmad: I am sorry I could not catch the Honourable Member's answer: what is the pay of the Indian soldier and of the British soldier per month?

Mr. G. M. Young: Rs. 16 a month, and Rs. 1/8/0 a day, respectively.

RETRENCHMENT IN MILITARY EXPENDITURE.

804. *Lala Rameshwar Prasad Bagla: (a) Will Government please state the total number of representations received by them urging the necessity of making drastic retrenchment in the military expenditure?

(b) What response do Government propose to make to the above representations and when?

Mr. G. M. Young: (a) I am afraid that no count has been kept of such representations.

(b) Government have already responded. A memorandum showing the latest reductions in full was circulated to Honourable Members on the 7th March.

CENSORSHIP OF FOREIGN NEWSPAPER CORRESPONDENTS IN INDIA.

805. *Mr. K. C. Neogy: (a) Will Government be pleased to state if the speeches delivered by the Right Honourable Sir Samuel Hoare in the

British House of Commons on the 29th February last in the course of the debate on the India Office estimates were based on facts supplied by the Government of India?

(b) If so, will Government refer to his statement that "no check to-day was placed on any foreign newspaper correspondent in India in sending news to his country or any part of Europe", and say whether the restrictions regarding censorship to which Indian newspapers and Indian news agencies are subject do not apply to foreign newspaper correspondents?

The Honourable Sir James Crerar: (a) The Secretary of State is kept fully informed by the Government of India of all important matters and the Honourable Member may assume that the speeches referred to were made in the light of information in his possession.

(b) There is no censorship or interference with messages addressed to reputable newspapers or Press agencies outside India.

Mr. Gaya Prasad Singh: May I know if Indian newspapers are subjected to a greater restriction in the matter of sending telegrams than English newspapers in this country?

The Honourable Sir James Crerar: I think there is a difference between the publication of a possibly alarmist or false report in Cawnpore, where it might immediately lead to disorder, and the publication of the same report in, say Carrickfergus where it would be innocuous.

Mr. Gaya Prasad Singh: Do I take it that the Indian correspondent is placed on the same footing as the European correspondent in this country in the matter of sending telegrams to newspapers in foreign countries?

The Honourable Sir James Crerar: That, I believe, is so.

Mr. K. C. Neogy: Do I take it that nothing depends upon the nationality of the correspondent but that everything depends upon the destination of the telegram?

The Honourable Sir James Crerar: And the responsibility of the news agency or correspondent.

Mr. Jagan Nath Aggarwal: The Secretary of State is reported to have said—vide clause (b) of the question that "No check to-day was placed on any foreign newspaper correspondent in India in sending news to his country or any part of Europe". Is there any particular point in the phrase "foreign newspaper correspondent". Would any national of this country be placed in the same position?

The Honourable Sir James Crerar: I think this particular observation was intended to refer to correspondents of newspapers out of India.

Mr. K. C. Neogy: Do I take it that the Indian correspondent of a foreign newspaper is in the same position as the foreign correspondent of a foreign newspaper working in India?

The Honourable Sir James Crerar: Yes, I think that is so.

Diwan Bahadur Harbilas Sarda: Do the words "to his country or any part of Europe" exclude America?

The Honourable Sir James Crerar: Geographically, Sir, I think they cannot.

INCONVENIENT TIMINGS OF TRAINS AT ALIGARH.

806. ***Dr. Ziauddin Ahmad** (on behalf of Haji Chaudhury Muhammad Ismail Khan): (a) Is it a fact that for the last four or five years, the 16 Down East Indian Railway express used to give connection to the Agra-Bareilly Passenger, No. 69 Up, at Aligarh?

(b) Is it also a fact that with effect from March 1st, 1932, this 16 Down express reaches Aligarh only a few minutes after the departure of this Agra-Bareilly passenger?

(c) Do Government know that it was the only convenient train for third class passengers specially who wanted to travel in the evening from Delhi to Bareilly? If so, what special necessity arose to discontinue this arrangement?

(d) Are Government prepared to consider the desirability of bringing this matter to the notice of the Agent, East Indian Railway, with a view to removing this new inconvenience to the travelling public at an early date?

Mr. P. R. Rau: (a) Prior to 1st March 1932, 16 Down was timed to pass through Aligarh before the arrival of 69 Up at that station. I have, however, not been able to verify how long this arrangement was in force, but am prepared to accept the Honourable Member's statement on this point.

(b) Yes. 16 Down arrives at Aligarh 15 minutes after the departure of 69 Up.

(c) According to the East Indian Railway Time Table in force from 1st March, 1932, a train leaves Delhi at 18-15 by which passengers can travel via Moradabad arriving at Bareilly at 3-19. Government are not aware of the reasons for the changes in the timings of 16 Down and 69 Up.

(d) I will send the Agent, East Indian Railway, a copy of the Honourable Member's question and of this answer for such action as he may consider necessary.

Dr. Ziauddin Ahmad: Why are the Commercial Managers changing the timings so often, to the great inconvenience of the public? Is it not due to the fact that they have nothing else to do?

Mr. P. R. Rau: I hope not, Sir.

Dr. Ziauddin Ahmad: What is the meaning of negation? Do they not change the timings for no cogent reasons but simply to while away their time?

Mr. P. R. Rau: At present I believe the railways are always considering the possibility of reducing the number of trains owing to the fall in traffic.

*** Dr. Ziauddin Ahmad:** But you do not reduce the number of trains by changing the timings 10 minutes forward or backward?

Mr. P. R. Rau: If you alter the number of trains, you have necessarily to alter the timings also.

PROMOTION OF CERTAIN TOWN INSPECTORS OF POST OFFICES.

807. ***Mr. Muhammad Azhar Ali** (on behalf of Mr. Uppi Saheb Bahadur): (a) Will Government be pleased to state whether it is a fact that the posts of Town Inspectors attached to first class Head Post Offices in India which were time-scale appointments were converted into lower selection grade posts in 1927, and the then existing incumbents of the said posts were promoted to selection grade in preference to their seniors?

(b) Will Government be also pleased to state whether it is under contemplation to reconvert these posts into time-scale posts? If so, what are the reasons for it and will the existing incumbents, who were specially promoted for their qualifications as Town Inspectors, be allowed to remain in selection grade in other vacancies or revert to time-scale?

(c) If they will not be reverted, will Government kindly state the reasons for it?

Mr. T. Ryan: (a) The facts as stated are substantially correct.

(b) This is one of the items of possible economies awaiting further investigation as suggested by the Posts and Telegraphs Retrenchment Sub-Committee, and Government are not in a position to anticipate their future line of action.

(c) Does not arise.

CLAIMS OF INDIAN HOLDERS OF ROUBLE NOTES.

808. ***Mr. Jagan Nath Aggarwal:** (a) With reference to the answer given by Government to my question No. 1234, dated the 7th November, 1931, regarding the claims of Indian holders of rouble notes, will Government kindly inform the House if they are in a position to state whether the claims of such holders of notes have been referred to the Anglo-Asiatic Debts and Claims Committee sitting in London and if the same have been admitted?

(b) Are Government aware that considerable hardship has been caused to a large number of Central Asian traders in British India who had their funds locked up in these notes and have been patiently waiting for the settlement of these claims ever since 1917?

Sir Evelyn Howell: (a) The claims were so referred, but the negotiations have proved abortive.

(b) Government are aware that there may have been hardship in individual instances but can suggest no remedy.

Mr. Jagan Nath Aggarwal: Do I take it that this is now a closed chapter, and that there is no possibility of any relief being given?

Sir Evelyn Howell: The negotiations may of course be resumed at some future date.

NUMBER OF PERSONS DISCHARGED FROM THE OFFICE OF THE CONTROLLER
OF MILITARY ACCOUNTS, LAHORE.

809. *Mr. Jagan Nath Aggarwal: (a) Will Government kindly inform the House of the number of persons recently discharged from the office of the Controller of Military Accounts, Lahore?

(b) What are the principles on which such discharges have taken place?

The Honourable Sir George Schuster: (a) It is presumed that the Honourable Member refers to the individuals who have been served with notices of discharge under the Retrenchment terms. If so, the number of those selected for compulsory retirement is 33, and of those who have volunteered for retirement is 21.

(b) Since the establishment of the Military Accounts Department is on an all-India list, the final selection was made on an all-India basis. To provide the material for this, Selection Boards were constituted in every Military Accounts office, and these Boards were required to submit classified lists of personnel with details as to age, length of service, community, etc. From these classified lists the final selection was made, following the general principles laid down by Government for the selection of personnel for retirement. In accordance with those principles, retrenchment was carried out in the following order:

(a) by the acceptance of voluntary resignations or retirements;

(b) by the compulsory retirement of those classified as persons whose work was so consistently unsatisfactory that their retention, while others were discharged, would be unjustifiable;

(c) by the discharge of selected men with 25 or more years' service or less than 10 years' service.

In the application of these principles the condition laid down by Government regarding communal proportions has been fulfilled: that is, on an all-India basis, the ratio between the various communities represented by their numbers as they stood before retrenchment has been maintained to the nearest practicable figure.

EMPLOYEES OF THE BENGAL NAGPUR RAILWAY.

810. *Mr. S. C. Mitra (on behalf of Mr. B. N. Misra): Will Government be pleased to state the number of employees in the Bengal Nagpur Railway drawing a salary of (a) Rs. 500 and above, (b) Rs. 50 to 499, and (c) Rs. 49 and below?

Mr. P. R. Rau: The information available will be found in Appendix F of Vol. I and Appendix C of Vol. II of the Report by the Railway Board on Indian Railways for 1930-31, copies of which are in the Library of the House.

PASSES ISSUED DURING HOLIDAYS ON THE BENGAL NAGPUR RAILWAY.

811. *Mr. S. C. Mitra (on behalf of Mr. B. N. Misra): (a) Will Government be pleased to state the number of passes issued by the Bengal Nagpur Railway in 1931:

(i) during the Durga Puja holidays,

(ii) during the Christmas holidays, and

(iii) during the whole year 1931 besides the above mentioned occasions?

(b) If Government have no information, are they prepared to enquire and lay the information on the table of the House?

Mr. P. R. Rau: (a) Government have no information.

(b) The compilation of the information asked for would involve a very considerable amount of labour disproportionate to any use to which it could be put, and I regret, therefore, that I am unable to agree to obtain these particulars.

FEES CHARGED FROM VISITORS TO STEAMERS.

812. *Mr. S. G. Jog: (a) Is it a fact that Government have authorized the various shipping companies to recover a fee of Rs. 3 per permit to allow visitors on board a steamer?

(b) If so, is the authority given to all companies or only to a few?

(c) If only to a few, will Government please state to which companies the authority is given?

(d) Is it a fact that such authority is given to companies on the understanding that such collections should be used for charitable purposes?

(e) Will Government state the amounts recovered by the companies during the last two years?

(f) Will Government state how these collections have been utilized by these companies?

The Honourable Sir George Rainy: The Government of India are not in possession of complete information on the subject. Enquiries are being made from Local Governments, and on receipt of the information a reply will be laid on the table of the House.

NAMES OF ROADS IN NEW DELHI.

813. *Mr. S. G. Jog: (a) Is it a fact that the different names given to different roads in New Delhi were given in consultation with somebody or any committee appointed for the said purpose?

(b) If so, will Government please state the name of that body or committee or department whatever that may be?

(c) Is that body or committee still functioning?

(d) If not, will Government please state which body at present is dealing with this matter, that is the naming of roads and associating them with some important personages of the past or present?

Mr. A. G. Clow: (a) and (b). An informal Committee consisting of the Chief Commissioner, the Chief Engineer, the Superintending Engineer and the Consulting Architects went into the matter and made various suggestions in 1919. These were adopted with minor alterations by the New Capital Committee at their meeting on the 24th December, 1919, and given effect to.

(c) No.

(d) The Government of India, in consultation with the Chief Commissioner, Delhi, and the Chief Engineer, Central Public Works Department, without prejudice to the rights of the New Delhi Municipal Committee in this matter, under section 179 of the Punjab Municipal Act, 1911.

REFUSAL TO EXHIBIT CERTAIN JEWELLERY AT MOHENJODARO.

814. ***Mr. K. P. Thampan** (on behalf of Mr. Lalchand Navalrai): (a) With reference to the answers of Sir Frank Noyce to parts (d) and (e) of my starred question No. 58, given on the 26th January, 1932, in which it was stated that "There is no ground for the suggestion that there has been differential treatment between Indians and Europeans" in the matter of exhibiting the jewellery to visitors at Mohenjodaro, has the attention of Government been drawn to a signed article by Mr. A. S. Iyengar published in the *Hindustan Times* of 22nd and 24th February, 1932, under the heading "The Message of Mohenjodaro"?

(b) What steps have Government taken on the complaint of the writer that although Mr. Mackay, the officer in charge of explorations at Mohenjodaro, protested innocence as to the charge of racial discrimination contained in my question, he refused to exhibit the jewellery even when Mr. A. S. Iyengar made a specific request therefor to him? If not, why has no action been taken?

(c) Will Government be pleased to state if on this occasion when the jewellery was refused to be shown to Mr. Iyengar, the key of the safe was available or not?

Sir Frank Noyce: (a) Yes.

(b) As no definite instructions had at that time been issued in regard to the exhibition of jewellery to visitors to Mohenjodaro and, as Mr. Iyengar did not press the point, the jewellery was not shown to him. Instructions have however since been issued that the jewellery should be shown to any visitors or students of archaeology who are genuinely interested in it. It has also been impressed upon the staff attached to the Museum and excavations that every courtesy should be shown to visitors.

(c) The key of the safe containing the jewellery was available.

ACCOUNTS OF DISCOVERIES AT MOHENJODARO.

815. ***Mr. K. P. Thampan** (on behalf of Mr. Lalchand Navalrai): (a) Has the complete collection of writings on the Mohenjodaro discoveries by Sir John Marshall arrived in India and are any of the new volumes available in the Library of the House?

(b) Is it a fact that the cost of each new volume is over Rs. 150?

(c) Do Government propose to take up the suggestion of Mr. A. S. Iyengar that accounts of excavations and discoveries together with photographs be published in popular language in English and in principal vernaculars? If not, why not?

Sir Frank Noyce: (a) Copies of Sir John Marshall's work on Mohenjodaro, which is in three volumes, have only recently been received in India. A set will be placed in the Library of the House.

(b) No, the price of the complete set is £12-12-0.

(c) The suggestion will receive the careful consideration of Government.

Mr. Gaya Prasad Singh: Is it a fact that Sir John Marshall gets a share from the sale proceeds of the book?

Sir Frank Noyce: No, not from the sale proceeds of this book.

Dr. Ziauddin Ahmad: Who has paid the cost of the printing of this book?

Sir Frank Noyce: The publishers, Sir.

Dr. Ziauddin Ahmad: And not the Government?

Sir Frank Noyce: No. The book is published by Messrs. Probsthain and Co.

Dr. Ziauddin Ahmad: And they have paid the cost of printing?

Sir Frank Noyce: Obviously.

ABSENCE OF THE SUPERINTENDENT OF THE WIRELESS BRANCH OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

816. ***Mr. Muhammad Anwar-ul-Azim:** Will Government be pleased to state:

(a) the total period of absence of the Superintendent in the Wireless Branch of the Director General, Posts and Telegraphs' office after the retirement from the service of Mr. deMagry;

(b) whether any Superintendent was employed in the Wireless Branch during Mr. deMagry's leave; if so, whether he was a man of the Postal Branch or Telegraph Branch of the Department; and

(c) what the reasons are for his absence from the Wireless Branch?

Mr. T. Ryan: (a) The Wireless Branch dispensed with a Superintendent from the 18th July to the 23rd December, 1931.

(b) Yes; a senior assistant of the telegraph traffic branch officiated as Superintendent.

(c) It was considered that he could be more usefully employed as officiating Superintendent in the branch where he had previously been working.

EMPLOYMENT OF A SEPARATE SUPERINTENDENT FOR THE WIRELESS BRANCH OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

817. ***Mr. Muhammad Anwar-ul-Azim:** (a) Is it a fact that the Wireless Branch of the Director General, Posts and Telegraphs' office is now located in a room in which the Engineering Branch of the same office is also located?

(b) Is it a fact that besides the Director, Wireless, who is in charge of the Wireless Branch, the major portion of the wireless technical matters is the concern of the Chief Engineer, Telegraphs, who is in charge of the Engineering Branch more than any other Branch Officer of the Department?

(c) If the reply be in the affirmative, will Government be pleased to state the necessity for re-employing a separate Superintendent from the Postal Branch instead of placing the Branch under the supervision of the Superintendent of the Engineering Branch?

Mr. T. Ryan: (a) Yes, as regards the clerical staff.

(b) The meaning of the question is obscure. The Director of Wireless is the head of the Wireless Branch and is primarily responsible for all Wireless technical matters. He refers certain questions to the Chief Engineer who is naturally more concerned than non-technical branch officers with engineering technical matters.

(c) The Wireless Branch is a distinct section of the office which requires its own Superintendent, especially now that the officer strength of the branch has been reduced owing to retrenchment.

UNSTARRED QUESTIONS AND ANSWERS.

RETRENCHMENTS IN THE MILITARY FINANCE DEPARTMENT.

173. Mr. Gaya Prasad Singh: (a) Will Government be pleased to state the total number of men in the ministerial as well as the officers' staff in the Military Finance Department as it stood before and after the retrenchments were given effect to?

(b) Is it a fact that, generally speaking, when carrying out retrenchments, care is taken to safeguard the interests of the permanent men as compared with those who hold temporary appointments in the office concerned or are on deputation from other Departments?

(c) Is it a fact that the above principle has not been followed in the Military Finance Department and that not a single man who is on deputation from the Military Accounts Department has been axed and that all the retrenched men belong to the substantive staff of the Military Finance Department?

The Honourable Sir George Schuster: (a)

	Before retrench- ment.	After retrench- ment.	
Officers	11*	10*	*Excludes the Deputy Financial Adviser (Royal Air Force), who gets Rs. 150 only from civil estimates, the balance of pay being borne by Military Ac- counts Department.
Ministerial establishment including Gazetted Superintendents.	108	98	

(b) In carrying out retrenchment consideration is given to the interests of all classes who may be affected, and an endeavour is made to find the

solution which will cause the least hardship consistent with the maintenance of efficiency. In the Military Finance Branch, the establishment includes, as a regular element, a proportion of personnel drawn from the Military Accounts Department and the interests of that class require consideration equally with the interests of the ordinary Secretariat element.

(c) No. One of the Military Accounts staff was reverted to his Department. The number of the ordinary Secretariat personnel who were retrenched is 7. On the basis of the total numbers in each category the Military Accounts element took a proportionately larger share of the burden than the Secretariat element. It must be remembered that heavy retrenchments are being made in the Military Accounts Department and that the reversion of personnel from the Military Finance Branch merely transfers the burden to that Department.

RECRUITMENT OF ASSISTANT FINANCIAL ADVISERS FROM THE MILITARY ACCOUNTS DEPARTMENT.

174. Mr. Gaya Prasad Singh: (a) Will Government be pleased to state why one of the appointments of Assistant Financial Advisers is reserved for an individual of the Military Accounts Department in addition to the Deputy Financial Advisers who are also recruited from that source?

(b) Will Government kindly say whether in view of the fact that one of the posts of Assistant Financial Advisers has been abolished, it is still proposed to reserve one such appointment for a Military Accounts man? If so, will Government please state reasons?

(c) Is it a fact that no Indian Assistant Financial Adviser has ever been appointed to the superior staff of the Military Accounts Department? If not, why not?

The Honourable Sir George Schuster: (a) The reservation of one post of Assistant Financial Adviser for a gazetted officer of the Military Accounts Department is in accordance with the view that the efficiency of the Military Finance Branch is increased by a leaven in all grades of personnel who have had practical experience in a Military Accounts office. Moreover, the reservation of this post is some measure of compensation for the fact that Assistant Financial Advisers of the Secretariat category are eligible for promotion, by selection, to the Superior Service of the Military Accounts Department.

(b) The reasons for the reservation of one post for a Military Accounts officer are not affected by the reduction by one of the total number of posts of Assistant Financial Adviser.

(c) The reply is in the affirmative. Vacancies in the Superior Service of the Military Accounts Department are filled to the extent of two-thirds by direct recruitment and to the extent of one-third by promotion. Assistant Financial Advisers have no claim to promotion to the Superior Service but are eligible for consideration along with gazetted officers of the Subordinate Service of the Military Accounts Department. Promotions are made on the recommendation of a Selection Board. No Indian Assistant Financial Adviser has so far been recommended by the Selection Board for promotion.

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LEGISLATIVE ASSEMBLY.

[15TH MAR. 1932.]

**MILITARY ACCOUNTS DEPARTMENT MEN ON DEPUTATION IN THE MILITARY
FINANCE DEPARTMENT.**

175. Mr. Gaya Prasad Singh: Is it a fact that there are persons in the Budget Section of the Military Finance Department on deputation from the Military Accounts Department? If so, what rates of pay and allowances are they drawing?

The Honourable Sir George Schuster: The reply to the first part of the question is in the affirmative. As regards the second part, I lay a statement on the table.

Statement showing rates of pay and allowances drawn by the Accountants and Clerks of the Military Accounts Department on deputation in the Budget Section of the Military Finance Department.

		Rs.	
Assistant-in-charge	Pay	440	} 708
	Local Allowance	80	
	Duty „	88	
	Spl. pay	100	
Second Assistant	Pay	410	} 490
	Local Allowance	80	
Clerks—			
First	Pay	170	} 235
	Local Allowance	65	
Second	Pay	145	} 210
	Local Allowance	65	
Third	Pay	225	} 295
	Local Allowance	70	

Apart from the special pay admissible to the Assistant-in-charge, the remuneration is on the scales sanctioned for personnel employed in the office of the Military Accountant General.

**APPOINTMENT OF UNDER SECRETARIES IN THE MILITARY FINANCE
DEPARTMENT.**

176. Mr. Gaya Prasad Singh: (a) Will Government be pleased to state if it is contemplated to create some posts of "Under Secretaries" in the Military Finance Department? If so, what is to be the grade of pay of the officers and how are they to be recruited?

(b) Will Government be pleased to state whether at the time when the officer holding the post of Assistant Financial Adviser was axed, there were two vacancies in that grade? Are the posts referred to still filled up temporarily?

The Honourable Sir George Schuster: (a) The reply to the first part of the question is in the negative. As an experimental measure of economy one post of Deputy Financial Adviser is being reduced in status

and pay to that of a Junior Deputy Financial Adviser. The post is to be filled by an officer of class II of the Superior Service of the Military Accounts Department, who will draw his substantive departmental pay with additional pay at Rs. 200 a month.

(b) The reply is in the affirmative.

**APPOINTMENT OF MUSLIMS TO VARIOUS APPOINTMENTS IN AJMER-
MERWARA.**

177. Khan Bahadur Haji Wajihuddin: (a) Is it a fact that out of half a dozen or more judicial gazetted appointments in the grade of Rs. 300—20—600/40—800 in Ajmer-Merwara none is held by a Muslim, and that all the gazetted revenue appointments in Ajmer-Merwara are held by non-Muslims?

(b) Is it a fact that all the posts of clerks in the English line in Ajmer-Merwara in the grade of Rs. 275—15—350, the grade of 200—10—270, and the grade of 150—7—185 are held by non-Muslims?

(c) Is it a fact that of the 21 posts in the upper division of clerks in the English line in Ajmer-Merwara only two are held by Muslims?

(d) Is it a fact that out of 43 posts in the lower division of clerks in the English line in Ajmer-Merwara only four are Muslims?

(e) Is it a fact that all the posts of clerks in the vernacular line in Ajmer-Merwara in the grade of Rs. 200—8—240, the grade of Rs. 150—5—200, the grade of Rs. 150—7—185, and the grade of Rs. 90—5—120—150 are held by non-Muslims?

(f) Is it a fact that there is no Muslim holding a post of above Rs. 20 per mensem in the service of the Ajmer-Merwara Forest, Jail, and Income-tax departments, except one jamadar in the jail?

(g) Is it a fact that out of six appointments in the Excise Preventive staff in Ajmer-Merwara only one is held by a Muslim?

(h) Is it a fact that Muslim graduates are kept in the lower grade of clerks in the English line, viz., Rs. 40—2—60—3—90, in Ajmer-Merwara whereas non-Muslim non-graduates are holding posts in the higher grades, including the grade of Rs. 275—15—350?

(i) Is it a fact that the Muslims form about 35 per cent. of the total population of Ajmer-Merwara?

(j) If what are stated at parts (a) to (i) above are facts, what steps do Government propose to take to secure an adequate representation, on the population basis, of the Muslims in Government service in Ajmer-Merwara?

Sir Evelyn Howell: (a) None of the 5 Judicial and 3 Revenue gazetted appointments in the grade mentioned is held by a Muhammadan, nor does a member of this community hold either of the other two revenue gazetted posts in this District. The highest judicial post, that of Additional District and Session Judge on Rs. 1,000—50—1,250, is held by a Muslim.

(b) Yes.

(c) Yes.

(d) No.

(e) Yes.

(f) Yes, so far as the Forest and Income-tax Departments are concerned.

No, as regards the Jail Department.

(g) Yes.

(h) No distinction is made between Muslims and non-Muslims in making promotions from the Lower to the Higher grades. There are two Muslim graduates in the lower grade, one of whom has taken his degree since he was recruited. On passing the prescribed tests they will be promoted in the ordinary course.

(i) No. Seventeen per cent.

(j) The questions contain material omissions and mis-statements. 28 per cent. of the posts in the various branches of the clerical cadre (44 out of 156) are held by Muslims. A Muslim holds the highest judicial appointment. Three of the eight posts of Tahsildar and Naib Tahsildar are held by Muslims, and these will be eligible in due course for promotion to the higher (gazetted) posts. Muslims are well represented in the higher appointments in other departments such as Police and Education. It so happens that at present none of the 8 Revenue and Judicial appointments in the Rs. 300—800 grade is held by a Muslim. The incumbents of these posts are senior officials whose services obviously cannot be dispensed with merely to create a vacancy for a Muslim.

RECRUITMENT OF TWO UNQUALIFIED NON-MUSLIM CLERKS IN AJMER-MERWARA.

178. **Khan Bahadur Haji Wajihuddin:** Is it a fact that two non-Muslims, one under-graduate and the other an unpassed Commercial Diploma candidate have been directly recruited in Government service in the Upper Division of clerks in the English line in Ajmer-Merwara, and that the rules allow the direct recruitment of only graduates in the said Upper Division? If so, why were the two candidates referred to directly recruited?

Sir Evelyn Howell: This question apparently relates to one appointment made in 1925 and another in 1928. The persons appointed had special qualifications, and their recruitment did not involve the infringement of any rule.

NON-APPOINTMENT OF QUALIFIED MUSLIMS IN AJMER-MERWARA.

179. **Khan Bahadur Haji Wajihuddin:** (a) Are Government aware that a large number of Muslim graduates and LL.B.'s have been unsuccessfully trying for appointments in Government service in Ajmer-Merwara, whereas the local Administration has been defending its policy of not giving the Muslims adequate representation in Government service by the argument that competent Muslims are not available?

(b) If so, what action do Government propose to take in the matter?

Sir Evelyn Howell: (a) and (b). The appointments in this small district are very limited in number and there is a very large number of graduate candidates for any vacancy that may from time to time occur. There have been a few Muslim graduates and LL.B.'s among the unsuccessful candidates, but the claims of all suitable candidates of all communities are fully considered when appointments are made.

APPOINTMENT OF MUSLIMS TO THE OFFICE OF THE COMMISSIONER, AJMER-MERWARA.

180. **Khan Bahadur Haji Wajihuddin:** (a) Is it a fact that the post of the Superintendent of the office of the Commissioner, Ajmer-Merwara, has never been held by a Muslim?

(b) Is it a fact that the non-Muslim who holds the post of the Head clerk of the office of the Commissioner, Ajmer-Merwara, is only a matriculate?

(c) Is it a fact that the present Superintendent of the office of the Commissioner, Ajmer-Merwara, has already been given several extensions of service?

(d) If what are stated at parts (a) to (c) above are facts, do Government propose to give no further extension to the said Superintendent and to appoint a Muslim graduate on his retirement?

Sir Evelyn Howell: (a) Yes.

(b) Yes. He is an exceptionally experienced and capable clerk with a record of over 28 years of excellent service to his credit.

(c) No.

(d) It is not possible to earmark the selection post of Superintendent, which requires very special qualifications, for any particular community.

NON-APPOINTMENT OF QUALIFIED MUSLIMS IN AJMER-MERWARA.

181. **Khan Bahadur Haji Wajihuddin:** (a) Is it a fact that under the present Commissioner of Ajmer-Merwara the claims of the Muslims to increased representation in Government service have been repeatedly disregarded?

(b) Is it a fact that the said Commissioner has appointed a matriculated non-Muslim Girdawar to the post of a Naib-Tehsildar overlooking the applications of Muslim LL.B.'s and graduates?

Sir Evelyn Howell: (a) No.

(b) The appointment to which this question apparently relates was made in accordance with seniority and no candidates' claims were overlooked.

APPOINTMENT OF CERTAIN STATION MASTERS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

182. **Khan Bahadur Haji Wajihuddin:** With reference to the Government's reply to starred question No. 1033, on the subject of the appointment of certain Assistant Station Masters on the Bombay, Baroda and Central India Railway, given in the Legislative Assembly on the 20th March, 1931, will Government please state whether the Agent of the said Railway has taken any action in the matter? If so, what?

Mr. P. R. Rau: Government have no information.

[Mr. S. C. Mitra.]

General Purposes Sub-Committee, will deal with the general principles and higher questions of finance. Sir, this is the first time that I am taking part in a Budget discussion, although I have been in this House for more than five years, because I belonged to the Swaraj Party of which I was the Chief Whip. The Party followed the principle of obstruction because they maintained that, without political control in the general administration, it was futile attempting to have any control over finance. As a matter of fact, it has been said by a great Bengali leader of public opinion that "a subject nation has no politics" and unless we can get rid of the subjection, it is no use to try to control the finances of the country. I shall wait and see as to what will be the result of my change of policy by trying to criticise the Government on their Demands and asking them to mend their way. Sir George Schuster in the concluding portion of his speech said:

"On a broad review I think we may feel satisfied with the position. We can face next year with a prospect of a fairly substantial surplus."

Later on he says:

"If one looks round the country and at the outward signs of its economic and financial position, while I fully recognise that the difficulties are still immense and that large sections of the people are in dire straits, owing to the present low level of prices and trade depression, nevertheless there is not a total absence of encouraging signs."

Further on he says:

"Even if the sales of gold may to some extent represent a forced realisation of savings, yet as against this there are indications that the masses in India still have a considerable amount of money available for investment."

Then he illustrates this by a reference to the case of Savings Banks. My reading of the situation is that the prosperity of this country should not be so easily guessed by the fact of the mere investment of a few crores of rupees in the Savings Banks. We have found that there has been a serious fall in the Customs revenue all-round, and the railway earnings have gone down to a considerable extent, and in a large part of the country people had even recourse to non-payment of taxes and rents. The purchasing power of the people is very low. This shows the real condition of the people and not the mere investment of 6 crores of rupees by the middle-class people in Postal Cash Certificates. I wonder what it is that is common between India and the other countries, so far as the Government are concerned. In every self-governing country the primary purpose for which the Government exists is to look after and administer to the social and the beneficent services for the people. In any country if we look for the main functions of the Government, we will find that its first concern is the national well-being of its people. Every free country has its system of free education, not only primary, but in many cases secondary, also; there is ample provision for medical relief; there is provision for old-age pensions, sickness, insurance, and above all it looks to the solution of the unemployment question as one of the most important of its various functions. What do we find in India? When we look to India, we find the Government here are primarily concerned with law and order first, and next they look after the scales of pay of officers and civil servants, and next they try to lessen the burden of England to as great an extent as possible. We pay for Persia Rs. 6,95,000, for Kabul Rs. 3,63,000, for China £12,000 and for Aden £150,000 and these large sums go to lessen the burden of

England to some extent apart from the military burden that India bears for Imperial purposes. These are more the concern of the Government of India than the vital issues that affect the people of India. We see that all other countries in Europe and America are anxious to solve their unemployment question. Here we have never heard this question even being raised. When we see countries like Germany and England are in dire necessity for funds, and when they speak of a financial crisis, it is to solve their unemployment problem which is increasing and they take recourse to retrenchment. What do we find in India? Do the Government in India ever care to consider it as their duty to solve the unemployment question? If anybody ever intended to try to solve this great national problem, it was that "naked *faqir*", Mahatma Gandhi, now rotting in jail. He suggested that by the introduction of the spinning wheel, to a certain extent the unemployment question could be solved. I consider that the true functions of a Government, a Government that really cared for its people, and any Government worthy to be called a Government should look after these social and beneficent activities for the people. It won't do in future for the Government only to care for the law and order and payment for the police and the soldiers and for lessening of the burden of England and then declare in the House that the condition in India is satisfactory and the country is prospering. The other day it was really a lamentable thing to see my Honourable friends Mr. Das, Mr. Mody and Mr. Joshi quarrelling amongst themselves as to on whom the additional burden of taxation should fall. They are patriotic gentlemen and they must know that the limit of taxation both for the rich and the poor has already long ago been reached. You always find that when the Government put some tax on luxuries, the law of diminishing returns operates. You do not get more money by extra taxation. So it was no use on the part of Honourable Members on this side of the House to quarrel amongst ourselves as to who should be taxed more. The other day my Honourable friend Mr. Das was saying that we should devise some means, some additional sources of taxation. Has it not been already proved, have not the Government themselves known that the limit of taxation has long ago been reached in this country where the average income of a man according to all calculations is less than two annas a day. The Honourable the Finance Member threw out an indirect hint that he had some chance of getting more money from salt and kerosene. Everybody knows and it is an elementary thing in economics that some money may be had from inelastic demands where the primary necessities of life are taxed. But is it fair taxation, is it good finance which any Honourable Member should be proud of mentioning in this House? I do not wish to level any personal charge against the Honourable the Finance Member who has had experience of three Continents. I know that had it been a free India and if we could get the services of a gentleman like Sir George Schuster, he would have given us a different Budget. Every year he goes on changing his views and principles. Every day he knows our position better and he feels his own helpless position, that whatever he may think to be for the good of the country, he will not be free to enforce it, in this unfortunate country. There is the Secretary of State for India who will pull him from the back at every stage on higher financial questions when England's interest is at stake; there are the Local Governments on the other side, and above all there is the Civil Service, all these in their turn will put obstacles in his way. The very astute and the keen intellectual man that

[Mr. S. C. Mitra.]

he is, he is doing his best under the circumstances. I say that really the true functions of a Government are not being discharged in this country and so it is useless to compare the Government of this country with that of any other country. As a matter of fact when this Government agreed to retrenchment, they felt that there was no way out of it and that there was no chance and no avenue for fresh taxation. As regards retrenchment, I shall read out to the House from the speech of the Honourable Sir George Schuster, showing that he himself did not put much faith in retrenchment. In his speech on 9th March, 1931 he said:

"I maintain that we have gone as far as we could go in the making of cuts, which would not interfere with the efficient working of the machinery of Government, I want to satisfy Honourable Members opposite on this, and Honourable Members opposite, I take it, want to be satisfied, and this is where the difficulty comes. Honourable Members say,—I refer particularly to what my Honourable friend Sir Abdur Rahim said in his speech. 'You have got to satisfy as that you have done all that is possible to cut down expenditure before we listen to your demands for new taxation'. Quite a reasonable attitude, and I am quite prepared to admit that we have got to satisfy this House. But, how are we going to satisfy them? They do not accept our general statements, and that is one of the reasons why I thought that a Retrenchment Committee, on the lines which I had proposed, would be of great value. I come before this House and say, 'I have done all that is reasonably possible now, but I think that to meet abnormal circumstances something more might possibly be done, and I want to have the support of non-official Benches in further demands for economy. I want to give non-official Members a chance of satisfying themselves that everything has been done, because I quite agree that it is only after they have done that, they, in the discharge of their public duties, are justified in voting for new taxation.'"

My leader, Sir Abdur Rahim, agreed to serve on these Committees and I do not know whether he will not repent years afterwards the result of his action. This country has felt the curse of these Retrenchment Committees. I say not in anger, but I feel when my countrymen tell me that these retrenchment proposals meant only the dismissal of a large number of lower paid officials in this distressing time. I will have to say a great deal about this later on. The Government have not really touched the sources where from they can get some money for this poor country. They have gone about the business in the wrong way. Now, as regards the compensation that was given to some of these retrenched people, I see that even on the last occasion when people were retrenched on the Inchcape Committee's Report, they were allowed 20 per cent. enhanced pension subject to full pension of the grade. I will quote from the circular:

"Those who have completed ten years or over will be granted the pension admissible under Article 474 of the Civil Service Regulations together with an additional percentage which will be decided on the merits of each case but will not in any case exceed 20 per cent. The total pension will be subject to the limit of the full pension admissible under the ordinary rules."

As a matter of fact they were given 20 per cent. additional pension up to the limit of the full pension which is 50 per cent. of a man's pay. But now under our present scheme these people are given only half a month's gratuity for each year's they have served in addition to their pension. I have made some calculations on some figures, and this is what I find. Suppose a man gets Rs. 300; he is a Second Division clerk, his grade being up to Rs. 350. Now according to the Inchcape scheme he would have got Rs. 150 plus 20 per cent., i.e., Rs. 30. But his maximum pension being half of his pay it will go up to Rs. 175. But according to the present scheme

if he is a man with 25 years' service, then for the five years loss of career he will get 2½ months' pay which is roughly about Rs. 750. But the commutation value of this Rs. 25, i.e., Rs. 175—Rs. 150 of pension would have been approximately Rs. 2,500 or Rs. 3,000. Now he gets only Rs. 750 on the present scale of compensation. Then also as regards travelling expenses the present rules are very harsh. They get only repatriation T. A. and not ordinary transfer T. A. which is on a higher scale and includes incidental allowances. These people came into your service knowing full well that they could only be discharged for gross negligence of duty or some such major fault. Now for your purposes you have to do away with their services, and in consideration of this the General Purposes Committee made particular suggestions for compensation for people getting a lower scale of pay or people getting Rs. 200 or 300. But some of our recommendations, which were of use in retrenching these people, were accepted, but in giving them compensation not a word has been said about our recommendation.

Then, Sir, I shall show from the figures how they are manipulated by the Finance Department for their purposes. At the time of the supplementary Budget it was necessary to show that by retrenchment Government will get less money and for compensation while they will have to pay more, so that the effective result of retrenchment will be lost. The figures will presently show how an expert body like the Finance Department have miscalculated them or have intentionally misled this House. Sir George Schuster in his speech at page 169 gives the figures. He says:

"In my speech on first introducing the Emergency Finance Bill in September I indicated that as regards civil expenditure we hoped to achieve retrenchment measures providing for a reduction of Rs. 3.25 lakhs, against which we allowed for terminal charges, compensation, etc., about 75 lakhs."

What are the actual figures now as he presents them?

"The net figure (to be compared with my earlier figure of Rs. 2.50 lakhs) is increased to 4.00 lakhs."

He accounted for 2.50 lakhs for the next year at the time of the supplementary Budget, but he actually found that the retrenchment was to the tune of 4 crores. While for compensation he thought that he would have to pay 75 lakhs, actually, according to his own figures, it is 33 lakhs. I am quoting his own figures. So you see he cuts both ways. As regards retrenchment Sir George Schuster's figures go in one way. He gave this House to understand that it will be in round figures 2.50 lakhs, he finds it 4 crores. While for compensation, where our people are concerned, he said he would have to pay 75 lakhs, he actually pays for all retrenched people only 33 lakhs. That shows that when it is necessary for a supplementary Budget the officers of the Finance Department are masters of jugglery. They can make a deficit Budget turn into a surplus Budget and vice versa, if they so like.

Now I shall go to these figures from the report of the Special Retrenchment Officer, Mr. Nixon. I am glad he is present here and he will be able to point out the wrong figures if I quote any. In the second summary of the result of retrenchment operations, in the first four pages he has covered these points. Sir, the General Purposes Committee alone in their first Report suggested retrenchment of 121.21 lakhs; in the second report 168.57, and in the third Report 133.18. In all, the General Purposes Committee recommended retrenchment of 423.18 lakhs. I find that

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in the third page of Mr. Nixon's report he says that in our second Report we have recommended retrenchment only for 153·8 lakhs. That is not correct because he has not taken account of 15 lakhs on the Lee concessions. Government in their wisdom may decide that they will not touch a pice of that, but when they speak of the General Purposes Committee's recommendation, they should include these 15 lakhs also, that is of the Lee concessions. Out of this Mr. Nixon takes out 31 lakhs for Ecclesiastical expenditure. Then it leaves 124 lakhs, of which they have accepted 86 lakhs, to which they added another 19½ lakhs, making a total of 105½ lakhs and out of our third Report, Government accepted a reduction of 72 lakhs. So we find that in the supplementary Budget, Sir George Schuster says that he accepted only further retrenchment of 90 lakhs from the Demands that were to be examined by the General Purposes Committee. But, as a matter of fact, of these 90 lakhs, 23 lakhs are automatic, because of the Census operations which have largely ceased from this year. So really he accepted only 70 lakhs, but according to their own figures they have given effect to about 177 lakhs. I give these figures to prove conclusively that an expert body like the Finance Department commits such gross mistakes. They also, in putting forward their supplementary Budget, minimised the amount for retrenchment and put in compensation, which they now find to be 33 lakhs for all and 22 lakhs concerning the General Purposes Committee, at 75 lakhs, i.e., more than 3 times as much. From this I think I have proved that these figures, in the way in which they have been calculated, are manipulated. Of course the Government have carried out reductions in addition to what we suggested, because law and order must be maintained, and the expenditure for defence and police must not be touched. This is the principle on which they have acted. The General Purposes Committee definitely recommended that no reduction should be made in educational, medical and public health expenditure, but reductions in the extravagant scale have been made in the beneficial Departments, and police expenditure has not been touched. Government have crippled these beneficial subjects and departments. This is how even the 65 per cent. of reductions they have accepted is made up. Of course the Lee concessions cannot be reduced. The police must not be touched. The expenditure relating to defence, part of which is cleverly debited to civil charges, must not be cut. Ecclesiastical establishment must be maintained, because part of the expenditure is military expenditure and part of it benefits vested interests. So the only heads left are education, medical and public health and some other Budget heads.

As regards how far retrenchment has been carried out amongst Indians, some figures of the total number have been given: it is said that 299 officers and about 5,279 clerks have been reduced. If we look to the Demands, we get some indirect evidence as to how many Indians are affected. Of course it is not mentioned here how many Indians and how many Europeans have been affected: but from page 619 of the Demands for Grants, we find that that Demand—No. 764—Expenditure on Retrenched Personnel charged to revenue—gives the expenditure on retrenchment of personnel by leave salary in India and in England and repatriation charges. From that I find that the total under non-voted comes to Rs. 275,000, of which Rs. 104,000 is to be spent in England: that is to say, the European retrenched personnel will get Rs. 104,000 as against

Rs. 1,71,000 for the Indians; which means that a larger number of Indian non-voted officers has been reduced. The spokesmen of Government have on more than one occasion stated that Indianisation will not be retarded as a result of retrenchment. But this is not all. Against the Rs. 1,04,000 required for European officers, the total amount required for Indian officers and clerks is Rs. 20,96,000. Honourable Members will thus observe that, against the insignificant number of European retrenched personnel, a large number of Indian officers, voted and non-voted, have been sent away, because it may be taken for granted that though the amount is Rs. 1,04,000 for Europeans, the scale of pay for them is so high that when we come to know the actual number of Europeans retrenched later on, the House will be in a position to judge whether the progress of Indianisation has been maintained.

Before I come to the details of these Demands, to show how far the Government have accepted the advice of the Retrenchment Committees, I would like to say something about the method by which retrenchment has been carried out. I understand that they have passed certain orders for retrenchment—and here I am speaking subject to correction: I understand in the first category come people who are incompetent or not quite up to the mark: secondly, officers who have put in more than 30 years' service: thirdly, officers who have put in more than 25 years' service, and then fourthly, officers who have put in less than 10 years' service. Now these classes are not mutually exclusive. That is to say, it is not as if when the first category is exhausted, you come to the second; and when the second category is exhausted, you come to the third, and so on. That is not the case. These are the four classes from which any one can be chosen for the purpose of retrenchment. I understand there has been a committee composed of two or three men of the department to select the persons to be retrenched, but in the committee the words of the senior officer always prevailed. What happens? I find from the Report of the Railway Enquiry Committee that they also found a similar state of affairs there. I quote from their report:

"Victimisation and favouritism can best be avoided by having a single clearly defined ground for discharge."

If the Government lay down certain rules and say that of these few categories, first you will exhaust all the people who come under the first rule for retrenchment, then you go to the second; and after exhausting those, you go to the third; then alone justice may be expected, if the rules are strictly followed; but now Departments retrench anybody they like who comes under any of the rules. What happens is this: anybody who is for the time being not in hot favour with the head of the department is found to be the most incompetent after a service of excellent work for 20 years or more. A man might have worked strenuously for a number of years and pleased his superiors; but if he now happens not to be pulling on well with a particular man, he is under this method found incompetent by the particular man and he is sacked. I say this gives room for much jobbery and corruption and it has happened.

The second category deals with people who have put in more than thirty years' service. I have collected some figures hurriedly from the history of the gazetted officers—a Government publication; and from that book I find that there are many people who have put in more than twenty five years' service and some over 30 years service and they are still happily

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enjoying their posts, while people who have put in less than 10 years have been discharged. It is usual that people who have been for a long time in Government service know all these tricks, how to please the official heads; and so all these old men are retained; and though there is a rule that men with over 30 years' service should be pensioned off, that rule is not binding; under the present retrenchment rules such men need not be retrenched—their list need not be exhausted before they touch men with less than ten years' service. I also find it stated in one of the speeches of Sir George Schuster that by these indiscriminate discharges the pension liabilities of the Government will be highly increased and that he will look into the position. Now these old and superannuated people who are at the head, have a chance to influence the higher officials, and the junior officials who have put in only 7 or 8 years are being discharged. I will give the House some idea of what this means. I have taken at random some departments showing some of the men with their service:

Home Department.

	Years.
Rao Sahib K. P. Anantan	34
Mr. E. H. Brandon	28
Mr. M. J. Macdonald	28
Rai Sahib Tarapado Roy	30
Rai Bahadur Sohan Lal	31
Mr. U. C. Stuart	31
Rai Bahadur Munshi Devi Daya	33
Rai Bahadur Lala Bhagawan Das	36
Khan Bahadur Shaikh Hakim Siddiki	34
Munshi Khairat Nabi	26
Lala Nand Kishore	28
Mr. Ernest Long	28
Mr. J. C. McDermott	28
Khan Sahib Chaudhri Nimat Khan	28
Mr. F. B. Pool	26
Rai Bahadur P. C. Ray	25

Some of these might have gone on pension only this year, because I am quoting from the last edition of this book.

Foreign and Political Department.

	Years.
Lala Harichand	34
Rai Sahib Munshi Kishan Lal	35
Khan Bahadur P. S. Master	32
Khan Bahadur Sardar Mir Muhammad Khan	30
Mr. Aga Khan Sahib Mir Muhammad Shah	31
Rai Sahib Munshi Mahabir Pershad	32
Rai Sahib Lala Rama Nand	48
Rai Sahib Munshi Rash Behari Lal	32
George Alexander Richardson	37
James R. Rogers	36
Khan Bahadur Mirza Sher Muhammad Khan	36
Lala Sundar Das	33
Sardar Sahib Sardar Sundar Singh	33
Khan Sahib Zahoor Masih	34

Indian Stores Department.

	Years.
Mr. R. S. D'Arcy	29
Rai Bahadur J. P. Ganguly	32

Army Department.

Mr. S. Banerjea	29
Mr. H. P. Bates	31
Rai Bahadur J. C. Das Gupta	30
Mr. A. P. Dube	27
Mr. J. W. B. Gardiner	27
Rai Sahib Hari Das Ghose	27
Rai Sahib S. S. Ghose	29
Mr. W. G. Meleod	33
Mr. R. A. Pereira	26
Mr. N. N. Sen	27
Mr. R. W. Simpson	26
Captain F. W. Spears	26
Mr. A. P. West	26

Legislative Department.

Mr. D. D. Baird	28
Rai Bahadur A. L. Banerjea	27
Mr. C. H. F. Pereira	29
Mr. F. A. Thorpe	30

Civil Veterinary Department.

Mr. G. P. Goffi	25
Mr. Keiller	29
Khan Sahib Md. Wazir	28

Survey of India Department.

Col. H. J. Couchmen	32
Mr. S. S. M. Fajlding	33
Mr. P. A. T. Kenny	33
Mr. H. P. Dee Morton	33
Mr. V. W. Morton	31
Mr. H. B. Simons	32

Commerce Department.

Mr. P. N. Bannerjee	26
Mr. E. R. Coutts	30
Mr. N. A. DaCosta	31

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Bengal Covenanted Pilot Service.

	Years.
Mr. J. D. Allison	32
Mr. C. W. H. Ansell	29
Mr. E. G. Bacon	27
Mr. H. L. Lindsay	27
Mr. C. A. D. Greenland	29
Mr. D. I. Halford	26
Mr. F. Lungley	30
Mr. A. H. Mauger	30
Mr. H. J. May	29
Mr. A. W. Michie	38
Mr. C. T. Park	30
Mr. A. F. Paull	36
Mr. S. H. Reake	32
Mr. G. S. Scoby	26

Department of Industries and Labour.

Mr. Balkishen	28
Rai Sahib A. M. Bannerjee	32
Rai Bahadur S. K. Bannerjee	27
Mr. Barkat Rai	28
Rai Sahib Deepchand	25
Maulvi Feroz Din	28
Rai Sahib Gauri Shankar	25
Rai Sahib Nihal Chand	30
Mr. A. M. Price	25
Mr. Mami Ram Sharma	28

Indian School of Mines.

Mr. S. K. Bose	32
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Printing and Stationery Department.

Mr. H. M. Bhattacharjee	27
Mr. S. C. Chunder	28
Mr. J. N. Ghose	27
Mr. R. A. Halfhide	27
Mr. Jawahir Khan	26
Mr. A. F. Slater	25

Meteorological Department.

Rao Bahadur M. G. Subramaniam	30
Rao Sahib M. V. Unakar	23

Public Works Department.

Mr. A. Brebner, C.I.E.	25
Mr. L. S. Splisbury	29
Mr. W. R. Mustoe	26
Mr. J. L. Sale	26
Rao Sahib Shyam Lal	29

I could not complete the list. I was going through it only this morning, but this list will show that there is a number of people who come directly under either the first or the second category, and still they are not touched, while poor junior clerks who have put in less than 10 years have been discharged. My point is, if Government make any rules, why don't they follow those rules? You have laid down certain categories, why don't you select men according to those categories, because only when the list of men who come under the first category is exhausted, you should deal with men who come under the second category, and if such a method of selecting men for discharge is followed, there cannot be much room for injustice or hardship. As a matter of fact, as a general rule men with 25 and 30 years' service should first be selected for discharge; instead of that, you are selecting men with less than 10 years service, with the result that it will tell heavily on the pension liabilities of the country. The rule is all right, but favouritism and corruption prevail in some of the departments. That was the reason why my friend Pandit Satyendra Nath Sen moved a Resolution here. Unfortunately Members on this side are always absent, and so we cannot carry any motion, but that is no reason why the facts of the case should not be disclosed here or why Government should not do justice in this important matter. The Honourable the Finance Member should explain why, when in all other matters Government strictly try to follow their rules, in this matter they have departed from the rules they have made in regard to selecting men for discharge. If you make a rule, you should follow it without showing any partiality for this or that man.

Now, we know that in the Government of India whatever is done by any departmental head, holds good. If a case is initiated in a branch, it is sent up for approval, and thus the case goes to the head of the department and it comes back with his signature without any alterations, and then it is said that the decision is of the Government of India or that it is the deliberate and considered opinion of the Government. But what happens is, the departmental head who may in some cases be very fair-minded, cannot always be expected to do justice in many of these cases, because how can we presume that he will always do the just thing, that he will have no favouritism or no partiality for some people who are just near about him? What I say is, the rules that you make should be very rigidly enforced irrespective of any personal consideration.

Now, Sir, with your permission I shall deal with some of the items referred to in the summary of the results and show how the recommendations of these Committees have been given effect to. I shall take up the first Demand under the head Customs, because it is one of the big items which deal with 12 lakhs and odd rupees—Abolition of the entire system of overtime allowances for future entrants and the reduction of 50 per cent. in the case of those who are already in service, and 50 per cent. reduction in the payment of Seamen's and other welfare institutions. Here the Customs head deals with 12 lakhs of rupees, and I read from the General Purposes Committee's Report, page 31:

"The 1931-32 grant contemplates receipts of 12.35 lakhs by way of overtime fees realised from merchants and shippers and shipowners (6.52), penalty fees levied for work on Sundays and special holidays (4.73) and bond and other fees realised from merchants for work done during ordinary working hours (1.11). Out of this 12.35 lakhs the 1931-32 budget provides for the following payments, namely, (a) 5.47 lakhs to officers out of merchants' overtime fees (b) 3.39 to officers out of the penalty fees

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including crown overtime (c) 1.34 plus .57 brought forward from 1930-31, i.e., 1.91 lakhs which is the amount available for grants out of penalty fees to seamen's and customs welfare institutions.

We have examined very carefully the theory and practice of the system of levying penalty fees and overtime charges. We have no doubt that shippers and shipowners find it convenient to pay these rather than let their cargoes remain uncleared. We therefore propose that the system of charging such fees should remain unaltered in essence. We consider this case to be somewhat analogous to the case of "late fees" and "double charges" in the Posts and Telegraph Department.

We are not, however, convinced that it is necessary to pay to customs officials the whole or even a large part of the fees so realised. A large proportion goes to preventive seamen, who, we consider, are already well paid. Their duties correspond to the duties of police officers and the men used at one time to be drawn, to some extent, from the police. The scales of pay are, in our opinion, extremely liberal when compared with those in force for the corresponding grades of provincial police services operating in the ports concerned."

We proposed that the whole of this 12 lakhs was due to the Government, and our main argument was that these customs officials are also, like other Government officials, whole-time Government servants and there was no justification for paying these people extra money for overtime work. But fortunately or unfortunately the Customs Department is manned by gentlemen belonging to my Honourable friend Sir Henry Gidney's community. Is that any reason why, in these days of financial stringency, these 12 lakhs should be kept for paying overtime allowances? The police, who are the greatest favourites of Government, are also required to work sometimes for 24 hours; similarly there are the Posts and Telegraphs people, who also serve Government for 24 hours, and these people are not paid anything by way of overtime allowance. So what justification is there for showing favouritism to these people in the Customs Department? It is not a question of a few thousands, but it is a question of some 12 lakhs and odd which should be appropriated by Government. But now Government have condescendingly accepted the 10 per cent. reduction in the rates of overtime fees paid to the staff and also a reduction in the Demand for the Grants in aid due to welfare institutions and so forth, but they only accepted about Rs. 97,000 out of a total sum of Rs. 5,88,000. Government have discharged people with very large families, getting small salaries, on the ground of financial stringency, but here in the Customs Department they are throwing away a precious 6 lakhs: while the Committee were of the opinion that the Government were entitled to the whole of these 12 lakhs.

Sir, there will be no time to dilate on this matter at great length, but I merely refer to it. In this Customs Department they have already reduced two Indian I. C. S. officers, and thus the future for 12 Noon. Indian I. C. S. officers to occupy the higher posts in the Customs Department will be barred for a long time.

The next item is 'Taxes on Income'. I do not like to say anything here because the Honourable the Finance Member has said that the Department requires extension due to lowering of the taxable limit to Rs. 1,000, so the question of reduction does not arise now.

As regards Salt, the Committee recommended the abolition of the post of the office of the Commissioner, Northern India Salt Revenue, Rs. 80,000. The Government say in their reply that this proposal has been negatived,

and they have given their reasons. I shall discuss the question so that the House may consider who is right. The Committee in their decision was helped by the evidence of Sir Chunilal Mehta, who was the President of the Salt Survey Committee. He was of opinion that, if the manufacturing divisions were in charge of fairly good men, the Commissioner's post and his office were not needed. The Committee further say, "We understand that the question of its abolition was at one time considered in the Finance Department. We definitely recommend that it should be abolished."

At page 5 of the Summary of the results of retrenchment operations you will find the reasons why it has been refused. The first ground of the Committee was that an important part of the Commissioner's duties can be transferred to the General Managers. The Government say:

"In view of the lower status and lack of administrative experience, the General Managers cannot be invested with the powers of the Commissioner."

Now, the Committee suggested that, instead of this Commissioner of Salt Revenue, a European I. C. S. officer getting very high pay, the two Managers should be entrusted with his work. What is the status of these Managers? The Managers get a pay of Rs. 1,100—1,400, plus overseas pay £30, which means Rs. 400, free house and electricity, in all about Rs. 2,000 per month. Therefore, the Managers get Rs. 2,000 as total emoluments. They are men of lower status and they lack administrative experience! Another ground on which the Government turn down the proposal is:

"The Commissioner has to maintain official relations by correspondence and in personal negotiations, with Indian States, Local Governments and Railway Administrations. These require an officer of a definitely superior position. . . ."

As if the I. C. S. are the only superior people who can hold any good post! As regards Native States, Government have their political officers in all the Native States, and the Managers can negotiate with the States through the political officers. Then, what is the difficulty in dealing with Local Governments and Railway Administrations? They are not mere clerks and Superintendents getting Rs. 400 or Rs. 600 pay.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Who are those Managers?

Mr. S. C. Mitra: They are all Europeans, they are not Indians. Again, the Government say:

"The Commissioner has to devote much time to interviewing merchants, etc., employed in the salt trade."

As if the Managers who are actually managing these big salt manufactures and getting such emoluments, are not in a position to deal with these merchants, and it requires men in the Secretariat to do the job! Then, they say:

"The problems of manufacture by solar evaporation are entirely different from those of mining, and also vary from source to source."

As if every I. C. S. Commissioner knows either of the two systems,—that is, the solar system of evaporation, or the other system, namely, mining! One could understand if the Commissioner was a person who knew all the different systems so that he would be in a better position to know which was which. That is the argument advanced when the post of a high European officer is concerned.

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Let us come now to Opium. The Committee recommended the withdrawal of the concession of giving free medical attendance to the families of the officers at Ghazipur, and abolition of the allowance of Rs. 100 a month to the medical officer there. The Committee said:

"We see no justification for the continuance of the exceptional amenity which opium officers at Ghazipur enjoy (*viz.*, free medical attendance on their families) and which costs Government Rs. 100 per mensem by way of an allowance to a medical officer at Ghazipur. We recommend that it should be cut. Savings will be Rs. 1,200."

Then we recommended the abolition of the factory allowance of Rs. 250 to the Factory Superintendent and of Rs. 150 to the Assistant Factory Superintendent, if rent-free quarters are provided, but, if not, the amount of allowance to be reduced to 10 per cent. of pay. The Government's reply is "Under consideration as a general question". Again the Committee said that the question of the retention of personal allowance of Rs. 100 each to three officers for war service should be scrutinised. That is also not accepted, but no reasons are given.

Then, we come to Stamps. That was left to Mr. Nixon to visit the different places and suggest his own recommendations.

The next is Forests. Here the Committee suggested that the present Timber Testing Expert, who is drawing a pay of Rs. 2,000 per mensem, is expensive and his post should be retrenched. The reply is, that is under consideration. Whenever an European is concerned, that is "under consideration," but when an Indian is concerned, their consideration takes little time. Another of our suggestions was that one gazetted post in the Cabinet Making Section should be abolished.

There has been a mistake in this summary. What the Committee said was this:

"Seasoning and timber testing should be placed in charge of one officer. As an alternative, timber testing might be placed in charge of the Wood Technologist, who, it is understood, received special training in this class of work in America in 1929. Such an arrangement would be conducive to economy and work efficiently. The Inspector General's scheme proposes to retain the present Timber Testing Expert whose pay is Rs. 2,000 per mensem. This post is not now necessary and should be abolished."

That is the recommendation, but in this Summary—item No. 5—it has been wrongly put as Cabinet Making Section. That is not our suggestion. It is wrong there.

The Honourable Sir George Schuster (Finance Member): May I ask the Honourable Member to look at page 188 of the Report, item (vii), which reads as follows:

"What is generally known as the cabinet making section can and should be subjected to retrenchment more than the other sections. As contemplated in the Inspector General's scheme one gazetted post in this section should be abolished."

Mr. S. C. Mitra: That is quite correct, but what I complain about is that in page 10 of the Summary, it is wrongly put under item No. 5; it should be 7.

The Honourable Sir George Schuster: We are not trying to follow the numbers in exact order.

Mr. S. C. Mitra: Mr. Nixon will understand better that it is wrongly entered here. It will take more time for Sir George Schuster to understand the details. Really there is no reply as regards our proposals

regarding the Wood Technologist, the timber testing expert, whose pay is Rs. 2,000. Then I come to the Inspector General of Forests. We recommended unanimously that the post of this officer and his office should be abolished, the Government getting whatever help they required from the Chief Conservator of Forests, of the North-West Frontier Province. Government say that nothing should be done pending the inauguration of the new reforms. I know Forests is a provincial subject and in some places it is a transferred subject. If everything is to be postponed pending the inauguration of the reforms, then the question of retrenchment will suffer very much. Government have accepted the abolition of the I. F. S. College, and so the duty of the head of the College is now over and it is not necessary to have such a highly paid officer there for the purpose of any help that the Government of India may require. I do not like to deal with Irrigation and Posts and Telegraphs. Then I come to the house rent concession to the Honourable Members of Council in the matter of paying the full economic rent. The existing rate for each of these houses is Rs. 539 and Rupees 8 annas 4 for a tennis court. I think before we ask anybody else we must ask Honourable Members of the Executive Council to pay proper rents for their tennis courts. The next item is abolition of the post of President of the Council of State. This is also under consideration.

Then comes the question about the Secretariat and the exodus. Mr. Nixon takes trouble to show that it will be very difficult in this summer in Delhi to provide for 2,000 men extra. The result of the inquiry indicates that it might be possible to leave in New Delhi staff to the extent of 17 officers, 255 clerks and 114 inferior servants, and the estimated saving here would be 1½ lakhs out of a total cost of 9½ lakhs. Now, the population of old Delhi is 4½ lakhs and of New Delhi during the winter months is 66,000 but in summer it comes to 56,000, that is 10,000 people less. Then it is argued that in summer people to the extent of 5,000 come to occupy the vacant places in New Delhi. Now there is a Joint Water Board. The argument of the Government of India is that there is enough water for 4½ lakhs of old Delhi and 60,000 people here, but not enough for 2,000 people more and that if these are kept here there will be great scarcity. Why did not they anticipate this when they spent crores and crores on New Delhi? When the Government of India was transferred from Calcutta to Delhi, it was said that the Government would be out of touch with the Indian people, but the Government said that Delhi will become a great city and they will not be out of touch. Now my point is that when the Government of India spent 18 crores on the New Delhi city, they could not make provision for water for 2,000 people more. They say that another 12 lakhs of rupees is necessary to provide for the necessary additional water supply for this additional 2,000 men and they expect us to swallow all these stories. Why could not they anticipate that there will be this scarcity? What is the P. W. D. for? They have a hierarchy of officials, from the Honourable Member and the Superintending Engineer downwards, and so many Engineers, and they could not anticipate this small thing, and they now expect us to be convinced on these flimsy grounds.

Then there is the Secretariat re-arrangement. This subject will be taken up by some other Member, and so I do not like to deal with it, but without divulging any secret, I may say that we had a sub-committee, of which Mr. Nixon himself was a member, and we discussed the question of devising some method by which this process of sending notes from one

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officer to another, from the clerk to the assistant, from the assistant to the Superintendent and Assistant Secretary, from the Assistant Secretary to the Under Secretary and from the Under Secretary to the Joint Secretary, and so on, could be curtailed and we even suggested our own scheme, but the Government did nothing. Apparently the Government, when they brought in the Supplementary Finance Bill, thought that they would get enough money by taxation and no more retrenchment was necessary. And then I do not know whether it was by chance or otherwise, beneficial departments and scientific departments like Archaeological Survey, Geological Survey, Civil Aviation, Agricultural Research and things like these came up first for immediate retrenchment. Afterwards the Finance Department did not seem so anxious about retrenchment. The Honourable the Finance Member himself says that next year there will be a surplus of 5 crores or 2½ crores at least. That may be the reason for the Finance Member saying that they have accepted up to 65 per cent. of our recommendations and even then, as I shall show later, this percentage is misleading. We recommended that the educational and medical institutes and the grants to scientific research institutes should not be interfered with, but, going beyond our recommendations, they have not spared any of these institutions.

As regards the Secretariat reorganisation, they say:

"As regards the first question, the Sub-Committee's recommendation admittedly relates to a standard which will be suitable under normal conditions of Secretariat."

I do not know, Sir, what is the abnormality in the conditions now.

Then under the Foreign and Political Department, the Committee suggested that there should not be two Secretariats, because the Department is really one; and I think Sir Charles Watson himself agreed that really the Department is one. There is no clear-cut division in the Departments. Then, I ask, why cannot there be two Deputy Secretaries and one Secretary who can be responsible for the work of the whole Department. Then they accepted the cut about pay of officer on special duty. That of course was only temporary, so it was automatically abolished. The permanent post of Attache filled by an Indian was, however, very easily abolished in pursuance of our recommendation.

Then under Home Department, we suggested the abolition of the post of Joint Secretary, but they say that it is not possible to abolish the post of Joint Secretary as the present conditions render its retention very necessary.

Then we come to the Public Service Commission. The Committee recommended the reduction of the number of Members from five to three and the reduction of the status of the post of Secretary to that of Assistant Secretary and the reduction of the special pay of Rs. 200 for the incumbent recruited from an all-India service. As regards the first question of the reduction of the number and pay of officers, that is still under consideration. Now the Committee knew at the time that a gentleman in the Police Service, who had earned his full pension, was going to be appointed, and so they hurried to make their recommendation that five men are not necessary and they examined the President of the Public Service Commission, who told us that there is not work even for three, and that he personally was of opinion that even one could do the work. Now as a matter of fact in some of the Dominions, the Public

Service Commission work is done by one man. Yet the Government say, "This is under consideration". In the meantime they fill up every vacancy! And they say "No, it will not be possible to retrench these people". But I think, Sir, as regards the pensioned officer, it should be possible that a man who is enjoying his pension may be asked to retire if Government find it necessary even now.

Then under Legislative Department, the organisation of the Solicitor's Branch is stated to be as follows:

"This Branch is manned by three officers—a Solicitor on Rs. 3,000, a second Solicitor on Rs. 1,200—1,800 plus overseas pay, an Assistant Solicitor on Rs. 1,200. The present Solicitor also gets a personal pay of Rs. 350, a special pay of Rs. 250 for work connected with the Local Clearing Office. The Solicitor is due to vacate his office in March 1932. This establishment consists of 2 clerks and half a dozen men."

The recommendation regarding retrenching one of the Solicitors has not been accepted.

Then there was a recommendation for a 10 per cent. reduction under Contingencies, but there is not a word said about it. I think my Honourable friend, Sir Lancelot Graham, who is in charge of the Department, is evidently too strong for any retrenchment officer. (Laughter.)

Then coming to the Department of Education, Health and Lands, here we suggested the abolition of the posts of Joint Secretary, Additional Deputy Secretary and Officer on Special Duty, but they have accepted for the present one recommendation, namely, that the post of the Under Secretary (which is filled by a Muhammadan gentleman, Mr. Akhtar Hussain), should be retrenched, and they say that the question of the strength of officers will be further examined.

Then we come to the question of the great Finance Department itself. (Hear, hear.) They agreed to abolish the post of Assistant Secretary, but now want mere conversion. They themselves suggested this. "The Department's final offer consists of the following items:

"Abolition of the following posts, namely, Assistant Secretary and six Assistants, and seven posts in the Second Division."

That was the offer of the Department. Now that there is sufficient money—perhaps that is the reason—they say, "Let the Assistant Secretary go, but let there be a conversion of the post into that of a Chief Superintendentship". As regards the offer of the abolition of 6 Assistants, the abolition of only one Assistant will do; and no further reduction is possible". Sir, if that is the ideal that the Finance Department itself holds up for other Departments to copy, we can easily understand the fate of "retrenchment". I hope the Government will explain as to why their own offer of retrenchment in the Finance Department has not been acted upon. (Lieut.-Colonel Sir Henry Gidney: "Hear, hear.")

As regards the Commerce Department, if anybody refers to page 167 of the Detailed Estimates for Grants, he will find in respect of retrenchment that there are three items,—additional permanent staff Rs. 48,000, temporary establishment Rs. 3,000, staff for registration of accounts Rs. 3,000". Actually, all this is increment.

As regards the Central Board of Revenue, there was a recommendation for the reduction of one Member of the Board. The Government's reply is that both the customs and the income-tax work of the Board involve the disposal of a large number of complicated and technical cases. As

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a matter of fact, though the present incumbents are one from the income-tax side and the other from the customs side, what will immediately follow? For a time Mr. Lloyd and Mr. Hardy, both from the customs side, were the Members at that time and there was no difficulty then in discussing questions concerning these highly technical problems coming up.

Then under Ports and Pilotage, we suggested the abolition of the post of Nautical Officer saving Rs. 60,000. They show as if they have accepted the reduction to Rs. 14,500, but really it means that a junior man has come on a lower salary on transfer; so they take credit for that. But they have been prompt in abolishing one post occupied by an Indian, a Parsi gentleman, in the Shipping Office, Bombay. So even a Parsi is not spared.

As regards the Survey of India, here we suggested that the people that are from the Royal Engineering side of the Military Department should be paid from the military funds and that should not be borne on the civil estimates. As a matter of fact, that recommendation has not been accepted. Government have considered various schemes of retrenchment and now they have adopted a way, but here the figures are also misleading. So far as I know, in Class I there were 50 officers. Out of these, 19 posts were not filled up, but kept in abeyance for a long time, and only one man has been retrenched, but as a matter of fact it has been shown that the posts not filled up of these 19 men are all shown to have been retrenched. Even then, 4 men with 30 years' service were retained and they were promoted to Class I, and 5 men—3 Hindus and 2 Muslims—were promptly retrenched, but not a single Anglo-Indian in the service was retrenched. Even Anglo-Indian probationers have been retained. (Lieut.-Colonel Sir Henry Gidney: "Which Department?") Survey of India Department.

As regards Botanical Survey, we suggested that the post of the Director be abolished and in the first summary of the retrenchment we found that this suggestion was tentatively accepted by Government. But now we find that because he is a European and draws a special pay, only his pay has been reduced by Rs. 100 and his allowance of Rs. 50 has been altered perhaps after his return from England, but his service has been maintained.

Sir Frank Noyce (Secretary, Department of Education, Health and Lands): I am sorry to interrupt the Honourable Member, but may I point out that the Directorship of the Botanical Survey is a part-time appointment. The sole allowance attaching to it as salary which is paid from the Government of India revenues amounts to Rs. 300 a month only.

Mr. S. C. Mitra: That is quite true. He is part-time servant, but the gentleman is in the service of the Government of Bengal. His duty is to supervise the cultivation of cinchona in Burma. There is another gentleman, Mr. Russell, who is a highly paid officer and he does not require a man from Calcutta to supervise his work and there is further some little plantation in Madras. We have gone through all these questions and the General Purposes Sub-Committee said that there was no necessity for the Government of India to pay this gentleman Rs. 400 and the Government of India in the Department of Education, Health and Lands accepted that suggestion tentatively. If a reference is required, I will read from the first Report; Botanical Survey, first Summary (page 15):

"The post of the Director be abolished". Now they have refused to do so because the gentleman has come back from England and has brought some pressure to bear on the Government of India.

Then I come to the Archaeological Department. I think there are other Honourable Members who will argue out the case. The Committee suggested the discontinuance of the special duty allowance of Sir John Marshall. I do not like now to discuss in detail the principle of giving allowances to officials who are kept in service for 28 years and then employed for 8 years more on special duty with extra emoluments and full pension. They do not allow other scientific researchers to come into the field and utilise the archaeological funds for historical researches for the benefit of the country. When they are pensioned off Government recommend the extension of their service to write out the reports which takes several years. Sir, this practice is wrong in principle from all considerations.

Then, as regards Demand 56, Education. Here there was no recommendation from the Committee, but I find an additional fourth item of cut has been introduced which amounts to Rs. 67,000.

Then I come to the question of Medical and Public Health. Here the Committee suggested the abolition of the appointments of the Director General, Indian Medical Service and the Public Health Commissioner. The reply in this connection is that this recommendation raises an issue which Government have more carefully considered. They have considered both the Committee's plan and earlier recommendations of the Retrenchment Committee for the amalgamation of the two posts of the Director General, Indian Medical Service and the Public Health Commissioner. I think, Sir, they want to wait for the new constitution. It seems that the Government have a sort of premonition that the future constitution will be a very sickly one and it will require expert medical men and some nursing as well. That is the reason why everything is postponed in this Department for the future.

Then I come to Agriculture and the Imperial Council of Agricultural Research. We suggested that there was no necessity for this duplication of work. They said that the main ground why the agricultural side of the Secretariat could not be reduced was that there were some European experts in the Pusa College who were not expected to be put under the control of the Agricultural Council. We see no reason why these two departments should work separately and not be amalgamated, thereby saving a large sum of money, the departmental side of Agriculture being replaced by the Imperial Council of Agricultural Research.

As regards Aviation we find that the Direction cost is Rs. 2,55,000 instead of Rs. 1,26,000. Even in the last Budget it was Rs. 2,27,000. So, in spite of recommendations for retrenchment, it has gone up. Further down they say that the services of a new Aircraft Inspector will be necessary as it is impossible for one man to inspect all the aircraft in India. I do not know how many aircraft we have in India and why it is impossible for one man to inspect all the aircraft once a year.

Then comes Commercial Intelligence, Demand No. 64. Here we suggested the abolition of the I. C. S. post of the Deputy Director General and some other posts. This suggestion was not accepted. Then we suggested the reduction of the establishment by 10 per cent. and the cancellation of certain schemes. We suggested a reduction of Rs. 2,56,000, out of which

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Rs. 2,26,000 is required for the internal statistics scheme. The Committee suggested that it should be temporarily suspended because it is a very useful institution and should be revived as soon as possible. Sir, in all these matters Government are very keen and they even went beyond the recommendations of the Committee and accepted a cut to the extent of Rs. 2,30,000, which covered the whole statistical scheme and only Rs. 4,000 out of Rs. 26,000 recommended by the Committee.

Then, I come to the Indian Stores Department. In this connection I wish to read out from the Report of the Inchcape Committee itself (page 216):

"We are informed that this Department has been recently constituted in order to encourage the development of the industrial resources of India and to effect economies by co-ordinating purchases for the Central and Provincial Governments, thus eliminating competition between Governments and Departments. At present its activities are confined to the purchase of textiles for the Army Department and to the control of the Metallurgical Inspectorate and of the Superintendent, Local Manufactures and Government Test House, Alipore. We understand, however, that it is contemplated gradually to extend the work."

Finally, they say:

"A system of central purchase may have theoretical advantages, but we recommend that no provision be made for further expansion of the department until it has been ascertained that the provinces collectively are prepared to utilise it for their transactions and that such expansion will be financially justified. The present establishment has been framed with a view to the expansion of the department's activities and is now costing about Rs. 4,00,000 annually. We recommend that the provision be reduced to Rs. 3,00,000, saving Rs. 83,000."

Sir, it is clear from this Report that the department was contemplated to continue if all the Local Governments supported it and the purchases were available from the Army and other departments. As a matter of fact I find from the latest report of the Indian Stores Department that it ran at a loss in 1927-28 of Rs. 5,76,000; in 1928-29 of Rs. 10,61,000; in 1929-30 of Rs. 6,85,000 and in 1930-31 of Rs. 96,24,000. So, it has been all along run as a deficit department costing about 8 or 9 lakhs of rupees annually. It was urged all along that it should be either self-supporting or it should show that its activities help a great deal in encouraging indigenous industry. It has done neither. I think the difficulty is that the superior staff is all manned by Europeans. It is not to their interest to see that the indigenous products are encouraged. I give the figures in this Department:

	Rs.		
Salaries above	3,000	No Indians	1 European.
Salaries above	2,500	No Indians	3 Europeans.
Salaries above	2,000	No Indians	3 Europeans.
Salaries above	1,750	No Indians	9 Europeans.
Salaries above	1,500	1 Indian	9 Europeans.
Salaries above	1,200	6 Indians	15 Europeans.
Salaries above	1,000	7 Indians	16 Europeans.

The salary of Europeans drawing more than Rs. 500 a month is four lakhs annually. That shows why this department has not developed in the way for which it was inaugurated. It has failed to justify its existence either by encouraging indigenous industries or by making the department itself self-supporting and purchasing stores for the Government of India at a cheaper rate.

Under Demand No. 76-Allowances, reduction in lump sum payments to Reuters, Rs. 10,000. This matter is still under consideration. I do not know why it requires so much time to curtail this subsidy to Reuters by Rs. 10,000. There was a recommendation about Committees and Commissions and we suggested that the amount should be reduced by Rs. 10 a day and I think there is no mention about it in this report.

As regards the Local Clearing Office, here is a department where a special pay of Rs. 250 is paid. It is 14 years since the War came to an end, and still the enemies' debts are being paid and the staff is necessary.

In the North-West Frontier Province, Demand No. 78, we find under the Medical head there is a reduction of Rs. 1,64,000, though we recommended only a sum of Rs. 4,000 to be reduced.

In Baluchistan for education we suggested no reduction, but I find Rs. 71,000 has been reduced from this grant according to page 84 of the Summary.

In Delhi under education we suggested a reduction of Rs. 2,000 only, but it has been accepted as Rs. 1,12,200.

Item No. 19, Public Health, is still under consideration.

In Ajmer-Merwara the same thing happens. We did not recommend any reduction, but under education a sum of Rs. 64,000 has been reduced and under Medical, Rs. 23,000.

Sir, I have taken too much of the time of the House, and I feel myself that the discussion had been discursive to a great extent, because I have had to do spade work. But I expect that the main points dealt with by me will be discussed by other Honourable Members. I have not dealt with the Military Budget or the Postal Budget at all and I think my other Honourable friends will discuss retrenchment on these questions.

Mr. President: Motion moved:

"That the Demand under the head 'Executive Council' be reduced by Rs. 100".

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, out of the six Committees that discussed the question of retrenchment, the work of the Railway Sub-Committee and the Army Sub-Committee had been of a perfunctory character. Their reports remind me of the story of an Oxford freshman who was given £100 by his father and was asked to submit an account. At the end of the term the new undergraduate submitted the following account—new collar, one shilling; one tie, one shilling six pence; miscellaneous, £99-17-6. This is practically what the Railway Sub-Committee and the Army Sub-Committee have done. Out of 52 crores annual expenditure, which is really incurred by the railways, the Railway Retrenchment Committee only scrutinised the expenditure like Oxford undergraduate of under two crores, and about the remaining 50 crores they only put down that the expenditure should be scrutinised by some other Committee. Practically the same was done by the Army Sub-Committee. It only examined a very small proportion of the expenditure, I think 7 crores altogether, and it left the balance to be scrutinised by some one else. I think it was a little wiser than the Railway Sub-Committee in that it did not bring itself into non-existence, but it still exists though it may not be functioning. I do not know whether it will finish its work before the life of the Members of that Committee ceases to exist as far as this Assembly is concerned. I do not want to take up the railway question today in detail because that has already been discussed. But, in view of

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the fact that this contributes a large sum of money, about 8 crores every year, to the general revenue, especially in view of the fact that the report of the Court of Inquiry did not come into our hands at the time when we discussed the Railway Budget I want to touch upon one or two salient features now. The other day the Honourable Member for Industries and Labour, when asked about giving us an opportunity to discuss this report, clearly said that he was not willing to give time for that purpose. I thought that the reply was rather impolite to Honourable Members of this Assembly, but I find now that the Honourable Sir Joseph Bhore was perfectly right, because there are no points in this report to discuss for any length of time. The Railway Board issued certain definite instructions, and the really crucial problem is this. Is there any machinery by means of which they can find out whether their instructions have been carried out, and if not whether they have got machinery to see how they can be enforced? This is really the crucial point in the whole of the retrenchment enquiry as far as the railways are concerned. This particular point, which I thought they would deal with, was never touched upon by this Court of Inquiry, and if the Railway Board could only solve this particular problem most of their difficulties would disappear. The only recommendation, which the Court of Inquiry made, was that only one principle should be applied in the case of retrenchment, and that principle should be that those persons who have got less service ought to be retrenched irrespective of the question of efficiency, less efficiency and irrespective of any other consideration. If this principle is applied—I am sorry that the Court of Inquiry never went into the figures—what would be the result of this? We all know that Indians entered into the railway service in larger number only after the Convention of 1924, and the Muhammadans joined still later, and the result of their recommendations will be that Indians in general and the Muslims in particular will all be retrenched from the railway services if the principle enunciated by the Court of Inquiry is accepted by the Government. While making this recommendation, it was their duty to have considered the figures—what would the communal inequalities work out if the recommendations were given effect to. But they were easy going people and adopted an easy method. This question of least service is very easy to calculate and very easy to apply. What would be the result, they never took the trouble to find out. They wasted time and money in considering individual grievances and then gave it up as a hopeless case and asked the Government to appoint some other Committee to go through such grievances.

Now, Sir, coming to the military, which is really the subject-matter of my discussion, I first mention at the outset three points. The first is one to which I have drawn attention repeatedly, that the question of the strategic lines ought to be settled once for all. We know that we spend about 2 crores on the strategic lines, and this amount should either be absorbed in the losses of the railways, or it should be shown in the General Budget as income received from the railways, and afterwards handed over to the military. This method of 'invisible budget' of the military, as I called it, is bad accountancy. It is against all principles of accountancy, and I think it ought to be shown very clearly in the General Budget. Sir, we should adopt either of the two methods. Either it should be shown as a definite loss of the railways, who should be responsible for it, or it should be accepted as a loss to the general revenues and should be debited in the accounts of the military.

The second point to which I wish to draw attention, though attention has been drawn to it repeatedly by the different Retrenchment Committees, is about the Lee concessions. Now the Lee concessions were very rightly given in 1924-25 when the index of prices was very high. The cost of living had gone up very much after the war and some relief was absolutely necessary. The price index in 1924 rose to about 176, but we should now realise that these high prices of 1924 are not in existence in 1932. The price index has fallen as low as 96, i.e., it has fallen by about 45 per cent. When the cost of living has fallen by about 45 per cent. from 1925 onwards, it is legitimate to consider whether the concession that we allowed on account of high prices in 1924-25 should still be continued in 1932 and whether it should not be temporarily withdrawn, to be given back when the index price rises again to the level of 175, as it did in 1924.

The third point is that every Retrenchment Committee recommended that the cuts should be gradual. But contrary to the recommendations of all the Sub-Committees the Government adopted a uniform cut of 10 per cent. I think it is rather unfair to treat everybody in the same way. Those who get a higher salary can really sacrifice a little more than those who earn just enough to make two ends meet. Therefore the principle of a graduated cut should have been adopted by the Government of India. It is a principle which the whole country demanded, which every Retrenchment Committee recommended, and which really has the general support of the Assembly; and in the teeth of opposition from everybody, Government adopted a uniform cut of 10 per cent.

Sir, coming now to the Budget of the military, I find that the Budget in the year 1913-14 was 29.84 crores. Then it rose up during and after the war to 67.75 crores. This abnormal expenditure and the losses in the revenue led to the appointment of the Inchcape Committee. It attributed the rise of the military expenditure to five causes. The first was the rise in prices. I have already said that it does not hold true now because the prices, instead of rising, have actually fallen below the level of 1913-14. The second ground was the enhanced pay granted to all ranks. This is really a consequential effect of the first and I think it does not hold true now. The third is the improvement in the comforts of the troops, large expenditure on houses and various other things. Now, with regard to that, I think we should try to give as much comfort to our troops as we possibly can, but it should be done within our means, and we should not go beyond that. Their fourth ground was the increase in the non-effective charges. Here we find that it increased from 5 to 9 crores, but of course by reducing the non-effective charges, we do not increase the efficiency of the Army. I am really very strongly in favour of keeping up the efficiency of the Army, but I am equally strongly of opinion that we ought to reduce those charges which do not make for the efficiency of the Army. Their fifth reason, and the only cogent reason, was the improvement in the equipment and standard of training. Any expenditure under this head is justified and legitimate and would have general support, but any expenditure under the first four heads is not justified, and I think I will examine these points in detail. Before I examine them, I should like to give some quotations from the report of the Inchcape Committee which are as cogent and relevant today as they were, eight years ago. They said about military expenditure:

"In our opinion the repeated huge deficits of the last few years, in spite of the imposition of heavy new taxation, have made it abundantly clear that India cannot afford this expenditure."

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So long as peace conditions obtain, the first essential is for India to balance her budget, and this can only be secured by a very substantial reduction in the military estimates."

That is to say, the *only* way to balance the Budget is to reduce the military expenditure. That is not my opinion, it is not the opinion of the Assembly or of the Retrenchment Committee; it is the opinion of the Inchcape Committee, who knew their business and who were as strong supporters of the Army policy as any Englishman can be. Then again they said:

"We recommend that a close watch be kept on the details of military expenditure with the object of bringing about a progressive reduction in the future."

And then later on they said:

"Though revenue may increase through a revival of trade, there would, we think, still be no justification for not keeping a strict eye on military expenditure with a view to its further reduction."

They recommended reduction even if the revenue increased, but we find that the revenue, instead of increasing, has diminished. We know very well that during the last seven years we increased taxation on import duties by 22 crores, but the net result has been a definite loss of 75 lakhs. Therefore we have really reached the limit of taxation, beyond which we cannot go, and the only way by which the Budget can be balanced is to follow the recommendations of the Inchcape Committee and apply the principle of reduction to the principal item which they mentioned, namely, the military. And unless we reduce the military expenditure, it is absolutely impossible for India to balance the Budget by any other means.

Now, Sir, I just briefly want to mention a few items in which the reduction can be made without loss of the efficiency of the Army. First I take up the non-effective charges. In the year 1913-14 the non-effective charges were 5 crores; in 1922-23 when the Inchcape Committee met they rose to 9 crores and in the present year's Budget we find that they are 7.62 crores. Therefore there is no reason why this expenditure should not be brought to the level of 1914; and there can be a saving of 2½ crores under this item. The reduction of non-effective charges does not mean the inefficiency of the Army and there is no reason why we should not apply this reduction immediately.

The second item which we can take up for reduction is what I call military works and military engineering. Under this heading in 1913-14 they spent 1.3 crores. In the year 1922-23 the expenditure rose to 4.54, and before the Inchcape Committee, the military authorities recommended an expenditure of 33 crores in future, which the Government of India reduced to 9.3 crores. Here in the new estimates now before us, they have provided 4.65 crores. There is no reason why we cannot reduce this expenditure further; This can also be reduced by 2 crores of rupees. Before the war the estimate was 1.3 and now it is 4.65. I only demand a reduction of about 2 crores of rupees, and even then the expenditure will be double of what it was in 1913-14.

The next point where reduction is possible is to reduce the number of men in each regiment. This particular question was discussed by the Inchcape Committee and I also pointed out last year in connection with

the Army cut that it is still possible to reduce the number in each regiment according to the recommendations of the Inchcape Committee. What I said was that the Inchcape Committee suggested that during the war time the number should be 766 in each regiment and during peace time the number should be further reduced by 20 per cent. If we apply this principle, then

1 P.M. there is still great room for economy. Sir, we do not want to reduce the efficiency of the Army, but at the same time we do desire that it should be kept in peace time at a level like the one which the Inchcape Committee recommended.

The next phase of retrenchment which I press is the question of the Indianisation of services. I am not pressing it from the point of view of policy, or from the point of view of getting all the services for Indians, but merely in connection with economy. This point of view we will discuss tomorrow. We know that the cost of an English soldier is about five times the cost of the Indian soldier. At present we have got 60,000 English troops, excluding officers; and the number of Indian troops is 249,739 altogether. If we begin Indianisation of the troops and the Indianisation of the officers, then it is quite possible to have substantial reductions in expenditure; and for each English soldier replaced by an Indian, the expenditure will be reduced by about four-fifths. Of course I do not advocate here that we should reduce the English Army or the English officers at once. I think their maintenance is absolutely necessary for the efficiency of the Army; but at the same time we should lay down certain principles by means of which Indianisation may proceed, not only in the rank and file but also in all classes of the officers' grades. If the principles are adopted, then it will be possible that we shall have a substantial reduction, under this heading alone, of, say, about 5 to 10 crores after some years. Of course it is difficult for me to fix a date, but I do strongly advocate, as a measure of retrenchment, that we should adopt some kind of policy of Indianisation of services, both in the officers' grade and in the rank and file, so that our expenditure may gradually be reduced.

It was pointed out by the Finance Member in his speech. I think last year, that there are two ways of reducing the Army expenditure; one is a change of policy and the other by economising expenditure. Unless we have a change of policy, he said, we cannot have a substantial saving. I entirely agree with him, and I think our Retrenchment Committee ought to examine very carefully whether we do require so large an army as we are maintaining at present. I understand that there are three functions which our army has to perform; one is for Imperial defence, that is, to meet the attack from any outside power; the second is really to keep peace on our Frontier, that is, to save the people from attack of the frontier tribes and adjoining power; and the third is internal peace. We ought to reckon the minimum size of the army which we require for each of these purposes, and after determining these things we should determine how large an army we are required to maintain.

As regards the question of imperial defence, this question will have to be worked out in conjunction with the Imperial Defence Council or the War Office, and India should contribute her quota for Imperial defence. India alone should not be considered as a training ground for the Imperial forces. No doubt if the British Government decide to choose India as the training ground for the Empire forces, then England should pay for the training; we can only contribute our quota for the general defence, and

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this ought to be settled once for all. For the purpose of general defence it should be decided how large an army India is to maintain in a state of efficiency not inferior to the efficiency of the army in any other country. The second question is about the army for our frontier. At present, one-third of our army is located on the other side of the Indus; while the remaining two-thirds are distributed over the rest of India. The question is whether we require such a large army to maintain order and peace among these trans-border tribes. This really depends upon the policy which we adopt about the North-West defence. This was pointed out by the Inchcape Committee, and I shall quote what they say:

"We are informed that there is no idea in the mind of the Government of India of continuing a forward policy of military domination up to the Durand Line at the present time—that the idea has been abandoned."

I do not know whether the Committee was correct and whether the idea of the forward policy has been abandoned, but at any rate it is very desirable that we should define what the border line is, whether the border line of India is the border of the settled districts or whether the border line is the Durand Line; and after settling this problem, we should determine the amount of military strength which is required to keep order in that part of India. The whole population of the trans-border tribes is something like 25 lakhs, out of which there cannot be on active service at any time more than 8 lakhs of people. In order to keep 8 lakhs of people in order, is it necessary for us to maintain an army of about 1 lakh—that is one soldier for every eight persons to keep them in order? I personally believe that on account of the development in our air force and partial development of civilisation it is not necessary to maintain such a large army today as was perhaps necessary about 8 years ago, and this question should be considered by experts and we should keep just as small an army as may be necessary.

While I therefore advocate strongly that we should settle once for all the exact size of the army which is necessary for peace time, we should also gradually try to Indianise the army in the interests of economy and we should also encourage more and more the auxiliary and territorial forces, on whom we could fall back in time of war as a second and third line of defence, as these are not very expensive things, and as at a time of strain we can always have these soldiers ready for active service.

There are one or two small points to which I would like to draw attention. One is the capitation tax. This question has been raised year after year by the Assembly. The expenditure amounts to 186 lakhs and we have been pressing year after year that this amount is too much and should be settled; but no efforts have yet been made to settle it. I thought this was the legitimate duty of our Retrenchment Committee to take up this particular question and to press for its settlement.

Another question which requires to be considered is the question of transport. The Welby Commission recommended that as a measure justifiable in the circumstances half the cost of transport of troops to and from India should be defrayed by the Imperial Government. This was their recommendation, and I think it ought to be the duty of the Retrenchment Committee to see that this recommendation is enforced.

If all the measures of economy I have mentioned are carried out, I am perfectly confident that our Budget will be reduced by at least 15 crores, and we will come down to what it was before the war, that is, about 30 crores; and unless we reduce our Military Budget to this amount, no amount of taxation and no other measures will balance our Budget. No doubt general administration is an expensive item and we can retrench the expenditure thereon by about 3 crores; but this forms a very small part of the entire expenditure; as Mr. Aggarwal pointed out last time our military expenditure is about 67 per cent. of the total expenditure, that is about two-thirds of the whole, and therefore we should apply our axe particularly to an item which involves the major portion of the expenditure.

Then, Sir, the last thing that I should like to mention is about the policy of an Indian Navy. We have provided 67 lakhs for the Indian Navy. I think either we should have a navy of our own or we should not have a navy. If we really want an Indian navy, then we should seriously take up the question and establish a navy of our own, otherwise we should, as part of the British Empire, depend upon the British Navy and make only a contribution as our quota for the defence of the Empire.

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

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

Mr. B. Das (Orissa Division: Non-Muhammadan): When discussing the Railway Budget, I stated that the Honourable the Railway Member was only tinkering with retrenchment in the railways. If I am asked to give my opinion about the retrenchment policy in the civil administration and the Army side, I will say that the Government of India have only scratched the surface regarding retrenchment. They have not gone deeply into the matter, and if they do not go deeply into the matter, they will have to go on mounting up taxation in subsequent Budgets, and they will never be able to grapple with the situation. As a member of one of the Retrenchment Committees, I am grateful to the Honourable the Finance Member for the bouquet he offered to the members of these Committees for the help that they had rendered. (*An Honourable Member*: "But was it sincere?") But I do think that the Committees would have been able to assist him further had they been allowed the liberty to do so. We have heard from our revered leader, Sir Abdur Rahim, that the recommendations of his Committee have not been given effect to, and my Honourable friend, Dr. Ziauddin Ahmad, was himself a member of the Railway Retrenchment Sub-Committee, who, like all scholars and professors, does not mind lashing himself and inflicting upon himself wounds like Jesuit monks as long as it helps to clarify the issue—of course, I differ from my Honourable friend, Dr. Ziauddin Ahmad, as I differed from him while he spoke on the Railway Budget, and I do not know why he did not take that opportunity to examine the administration of the various railways. But in the matter of general retrenchment my

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Honourable friend, Sir Abdur Rahim, has made it clear that they have pointed out various items of retrenchment which the Government have not yet considered. And they cannot consider them because there are many obstacles in their way. I know that the Members who sit in the front Benches opposite are very loyal to their colleagues and to the officials who work under them. But loyalty to one's colleagues and one's officials is one thing, and loyalty to one's country is another. What does the country's interest require? Does it require the heavy expenditure that is at present incurred? As my Honourable friend the Finance Member said in his Budget speech while we were discussing the Indian Finance Supplementary and Extending Bill, the Government of India pay Rs. 120 crores in pay bills to the Army, and the civil, including the railways and the Provincial Governments. If I take off Rs. 16 crores, which is the salary bill of the railways, it comes to Rs. 104 crores, which is the pay bill of the Central Government and the Provincial Governments, out of a revenue of Rs. 200 crores,—it may be a little less than Rs. 200 crores at present. It is an enormous expenditure, and what is the reason of these heavy pay bills? Accident and circumstances brought the English to rule over India. Then the English civil servants were given high salaries. They were never content to get themselves those salaries, but they created services, and they went on paying even to the Indians similar salaries. They themselves did little work and allowed the work to be done by the Indian provincial civil servants in the provinces and also in the centre. The time has come when we are on the eve of great constitutional changes, and we shall have to revise the basis of salaries of all services, whether Imperial or provincial. Every post should carry a basic salary, and if an European is recruited from abroad, he may be given an allowance. The Indian and the European will get the same scale of salary. Five or six years ago I was opposed to that, because it brought an inferiority complex to the Indian recruit, but at present when we expect to get greater control—it may not be full control in the centre, but full control in the provinces (*An Honourable Member*: "Why not in the centre?") and adequate control in the centre, the time has come when the salaries should be on an Indian basis. Let the European draw even Rs. 500 or Rs. 1,000 extra allowance per mensem, but this idea of paying the Indian officers and the Indian staff in the Secretariat such high salaries is beyond the compass of the Indian taxpayer. The salary should be based as it is based in Japan and in England. Do the civil servants in England get such high salaries? Do the clerks and office assistants get such high salaries? Nowhere else in the world, as my Honourable friend Mr. Mitra points out, does anybody get such high salaries. But here the civil service went on blindly groping in the darkness, they went on raising their own salaries, demanding overseas pay, and demanding Lee concessions, and at the same time they wanted to be faithful and loyal to their Indian colleagues in the services and they went on raising their salaries also. So, the time has come when we must revise the basic salary of all posts. If that is not done, mere touching the surface of retrenchment will not do any good. The spirit should be Indian. At present the administrative plant that has been transplanted into India is a hothouse plant. It is kept in the hothouse, it does not grow. The official Members of Government must forget everything else before the interest of the country. I do not suggest appointment of another committee. I think if the General Purposes Committee is asked to lay down the basic rate of pay for all

these posts, they will lay it down; but even if they are not asked to do so, I do hope that they will in their final report make some such recommendation. Sir, when the Retrenchment Committee first met in the month of May, 1931 at Simla, the Honourable the Finance Member told us that there was a conference of Finance Members of the Provincial Governments and the Central Government to discuss what should be the basic pay of future recruits for posts, both provincial and Imperial, and we were given to understand that the Finance Member would at one time circulate that report to the members of the Retrenchment Committee. I must confess that I did not ask the Finance Member in a committee meeting to circulate that report, but that scheme was never circulated to the Members of this House, nor to the members of the Retrenchment Committee unless the members of the General Purposes Committee had a chance to look at it. We were given to understand that the Finance Members of the Central and Provincial Governments wanted a specially low scale of salary for all future recruits. Whether that scale of salary will be in harmony with the revenues of the Central and Provincial Governments, I cannot say, but I do hope that if that report was not circulated to the General Purposes Committee, it may be done now, so that the Committee will express its views whether the scale of salary is high for future recruits or whether they could suggest a different scale of salary.

In talking of retrenchment, we may think that if we cut down the salaries, we have saved the Government from bankruptcy, and that future Finance Members will bring out surplus Budgets. I am very doubtful about it and I will bring out a few instances to illustrate it; I will refer the House to the Demand, "Interest on Miscellaneous Obligations", which is found on pages 134 and 135 of the Detailed Estimates. All provident funds, all investments in the post office, Postal Cash Certificates are supposed to be deposited with the Government of India, but at present the Government of India have no special funds to meet withdrawals. All this money goes to the ways and means of the Budget, and the Government have spent it. Of course every year Government allocate so much to meet obligatory demands. This year they have allocated about 9 crores of rupees as interest charges on miscellaneous obligations. That is so far true, but Government have taken this money in trust. They have spent it away, and we know the solvency position of Government. A time will come when there will be a change of Government or the transfer of Government from that side to this side, and we will then find only certain paper transactions and certain huge obligations which the successor of my Honourable friend the Finance Member will have to meet, but my friend cannot say that he has invested so many crores out of this miscellaneous obligations on productive debts. The money has gone to reduce the debt position of Government to a certain extent. He did not incur a loan of 50 crores per annum, but incurred a loan of 20 crores, say, and that no doubt reduces our debt position. When my Honourable friend became Finance Member, in his first Budget speech he drew the attention of the House to the gravity of the situation of the Savings Bank deposits and the Postal Cash Certificates to cover payments for which no provision had been made. If the Government are carried on as they are now, the Honourable Member will show in paper that the money is there, but the money will have really been spent away, and future Finance Members will have to meet all these obligations and will not be able to provide money for developing the resources of the country, or even for reducing taxation in the country.

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because all these obligations will have been incurred by previous Finance Members. My Honourable friend may say that he has spent all this money on the productive side, but I cannot say the same thing of his predecessors. I cannot say that his predecessors in the past looked into that aspect of the question, but all the same India's public debt has increased. I want to draw attention to another aspect of the question, that is grant No. 96, "Commuted value of Pensions", on page 907. There is an insistent demand on this side of the House to retrench, but we find that more money is being paid in commuted value of pensions. All these have to be provided for. The pensionary charges which the Government of India keep in deposit is only a book deposit and never funded separately. To-day owing to the retirement of these officers, the commuted value of pensions has also increased. Also the gratuities which will be paid to the men who are retrenched forcibly will commit the Government to the expenditure of so many crores. I think the very retrenchment policy has created more anxieties for the Finance Member. I am asking that the Finance Member should keep these pensionary charges and other deposits, as also the service funds, in interest bearing deposits, so that these are not always a charge on the revenue of the country. I consider that the time has come when the Finance Member will have to shape out his policy so that he must make provision for these obligatory debts and pensionary charges that the country incurs and which become a statutory obligation of the country.

My Honourable friend Dr. Ziauddin Ahmad discussed the Army side of retrenchment. Sir, everybody knows that the constitutional changes have been long delayed. Whether they have been delayed by us or the Government, the fact remains that they have been delayed. When the Government of India wrote their despatch to the Secretary of State in 1930, they must have come to a certain definite decision as to whether the Army expenditure would be stationary at the present figure of 46 crores odd. Supposing then that the constitutional changes take time—as everybody knows, they are going to take two or three years' more time because nobody wants to hand over power, and it is so difficult to hand over power—why, I ask, does not the Honourable the Finance Member, in the present difficult circumstances, address the Secretary of State and the British Government with a view to settling this particular aspect of the question, namely, as recommended in the Government of India's despatch, let India pay a lump sum charge for defence, of say 25 crores or so, or even 30 crores to the British War Office? Then, let the British Army be separated from the Indian Army, and let that be a fixed charge on India for ten years till the Indian Dominion Army has come into being. Sir, if that is not done, if no big cut is made in the Army expenditure, what is the use of our tinkering with the retrenchment problem and driving out a water carrier here from a foot battalion or retrenching a few mules there from the artillery or cavalry? And yet the Honourable the Finance Member asks us to accept his version that His Excellency the Commander-in-Chief has done his best and to endorse the remark that the Commander-in-Chief considers that this retrenchment that has been effected in the Army cannot be held to be a permanent reduction. Sir, if these constitutional changes had come, as everybody was expecting them to come, in 1931, I am sure the Government of India and the British Government would have had to

come to some definite views in that matter. I ask, why do they not give effect to their own declared views today? Instead, Sir, they make us fight on the communal issues and on the depressed classes issue and on the issue regarding the federation of the Indian States and British India, and thus they go on playing with abstract and academic questions instead of tackling the immediate practical problems. And then they ask us to give them suggestions as to how further retrenchment can be effected in the Government of India! Sir, let us, I say, face the main issue, namely, that military expenditure must be reduced; and anticipating the remarks from my friends of the European Group, I would at once say that I am quite prepared to concede the maintenance of a European Army up to a certain number in India, but I am not prepared to give them more than 30 crores of rupees for the present; and if those 20 crores are released, India will then build up a Dominion Army in five years such as will be quite sufficient not only for internal defence but also to render help to the British Empire in case there is a war outside India; and therefore, I say, if England remains our friend, I am quite willing to send out an Indian Army abroad, as we so gladly did to France and to the many other theatres of war, where I daresay we acquitted ourselves so well.

Sir, then there are certain invisible items of military expenditure which it is high time we should all—including my friends of the Round Table Conference who were discussing the actual military expenditure—take careful note of. Sir, my friend, Dr. Ziauddin Ahmad, made some pertinent remarks about the strategic railways. That is one item of expenditure which involves us in an incessant loss. Then there is the other issue,—the Military Department receives huge concessions from the railways amounting to as much as a crore of rupees per annum. They get concessions in travelling, in freights and so on and so forth, and when I gave evidence before the Railway Retrenchment Sub-Committee, I brought that to the notice of my friend, Dr. Ziauddin Ahmad, and others. Now that crore of rupees should be debited to the military side of the expenditure. Then there is this huge expenditure on the Frontier Watch and Ward. What is the use of this huge Army, and at the same time of spending all this money on the Frontier Watch and Ward? Sir, all this is nothing but concealed military expenditure. If my submission is accepted and an Indian Army is created, I am sure it can look after the Frontier Watch and Ward side of the work without incurring any additional expenditure.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Simply to provide training for the Indian Army.

Mr. B. Das: But what is the use of this additional expenditure? We are now talking of finance; the country, Sir, cannot go on bearing any more taxation. This expenditure should not be thrown on to the civil side. Then there is the expenditure on civil works incurred for the Frontier Watch and Ward Department. I raised the point often before the Public Accounts Committee. Now if the Military Department requires for its military purposes these military roads, then let the expenditure be debited to the Military Budget. Why should it be debited to the Civil Budget, thus mounting up the taxation of the country? Sir, incidentally, as a member of the Stationery Stores Retrenchment Committee, I want to bring to the notice of the Army Secretary one aspect of military extravagance that we noticed. Now the Stationery Department receives orders

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from the Military Department to print any number of forms and books and booklets; these are never indented upon, or requisitioned, and if anybody visits the Stationery Stores Office in Calcutta, he will find these are lying in heaps. Then there is another thing we gathered from the Superintendent of Stationery that, although the other Government Departments agreed in the policy of retrenchment, and use one type of papers and stationery, the military officers are never satisfied with the ordinary stationery issued out for their ordinary office work. Sometimes officers stationed at different places requisition for most costly stationery! Although this is a small item, it may bring out a saving of Rs. 30,000 to Rs. 50,000 in the Military Department, and requires looking into. They sometimes even, I am told, specify the supply of particular types of stationery, even giving the names of the manufacturers or firms of stationery! Why should the Honourable the Finance Member and other Members on the Treasury Benches and their respective Departments alone talk of conforming to one standard of stationery and use that alone in the Government of India, when there is all this waste and extravagance on the military side?

Then my friend, Mr. S. C. Mitra, dealt in detail with the recommendations of the General Purposes Committee of which he was such a worthy member. I wish to draw the attention of the House to one aspect of the question. I gave evidence before his Committee and I pointed out that the size of the Secretariat of the Government of India had grown beyond all proportion. Not only is there one Honourable Member for each portfolio, but there is a Secretary, a Joint Secretary, an Additional Joint Secretary, one or two Deputy Secretaries, one or two Additional Deputy Secretaries, one or two Under Secretaries, and Assistant Secretaries by the dozen! What is the real, tangible work of the departments which affords any excuse for this huge officer-staff? Sir, if the departments are put to the test of being considered as commercial departments, I think those officers should not at all exist. Why, for instance, should the Department of Industries and Labour, the Department of Education, Health and Lands should have the same uniform number of officers, of Secretaries, Additional Secretaries, Joint Secretaries, Additional Joint Secretaries, Deputy Secretaries, Additional Deputy Secretaries as the Finance Department itself? Of course my friend, Mr. Mitra, says that I always have a soft corner for the Finance Department, due to the fact that that Department after all handles huge expenditure-problems to the tune of four hundred of crores which require careful watching and scrutiny, but why should this precedent be blindly copied by other departments, which have practically no work or work of the nature of post office work, one paper going from the office Superintendent up to the Assistant Secretary, then to the Under Secretary, then to the Deputy Secretary, then to the Additional Deputy Secretary, then to the Joint Secretary, then to the Secretary, then to the Honourable Member marked "H. M." (Laughter.)

Of course, I do not wish to criticise my friend the Home Member's Department because the Home Department is above God, above Government and above everything. If the Home Department makes a requisition on the Honourable the Finance Member and says I need such and such Secretary for the maintenance of law and order, the poor Finance Member cannot help it. He will have to provide finance somehow. But

whether the exigencies of law and order really demanded so many additional ornaments in the staff of the Home Department, is quite a different matter. At present the Cabinet system of administration of the Government of India has no control over the individual Honourable Members of the Executive Council. I think the time has come for revision of all these as the country is on the verge of ruin and the country has no additional money to pay to the Finance Member. The country was expecting that in the year 1933 the Honourable the Finance Member would bring forward reduction in taxation. Sir, it is high time that these problems are faced squarely and fairly, but nobody wants to do so because it is a matter of prestige. The Honourable the Finance Member had two Secretaries six months ago. Well, it is very nice to have so many Secretaries, but can the country bear the expense? Of course, I am ready to concede to the Finance Member certain extra staff, because he needs it in order to have adequate control of the finances of India. But the other departments must reduce their staff. I think some of the departments ought to have one Secretary and one Under Secretary and the rest of the officers must be taken away. Most of the Superintendents during the reorganisation were made Assistant Secretaries. I do not grudge them their new comfortable rooms, new comfortable chairs and salaries, but who pays the piper? It is the country that pays and the country cannot stand any more this huge burden. This is a matter where the Honourable Member's very touchy, so I ask him to appoint a Retrenchment Committee consisting of the three Honourable gentlemen who are sitting now on the Front Treasury Bench (namely, Sir George Schuster, Sir George Rainy and Sir James Crerar). Let them decide finally what retrenchment should come in Secretariat officers. The real cause for this bloated expenditure is that we asked for Indians to be taken in in the Secretariat as officers. They have done so, but have they decreased the number of highest officials in the Secretariat? That is the point which must be looked into. Whether it is faced by the present Treasury Benches or the future Treasury Benches, it has got to be faced. These Secretariat ornaments should not continue any longer.

Sir, everybody thinks that the Secretary of State, sitting 6,000 miles away, is a mere post office. It is true that for the last few years the salary of the Secretary of State has come out of the British exchequer; but what about the huge staff that sits in that dark building known as the India Office, where so many people sit and manufacture schemes against India and against Indian aspirations? Why should these people be paid from the Indian tax-payer's money at such a high scale of pay? Indeed, the Secretary of State's office should no longer be a burden on the Indian tax-payer. What is the practice in the case of the Secretary of State for the Colonies? The Colonial Secretariat staff is not paid by Australia or the Dominions; it is paid by the British Government. If the Secretary of State thinks that he needs all the staff, let that staff be paid by the British Government and I will have no quarrel with it. It is the most surprising thing indeed that, even after the creation of the High Commissioner's office, the Secretary of State's office should spend so much money.

Then, my friend Mr. Mitra referred to the case of the Indian Stores Department. When this department was created in India, it was expected that the Indian Stores Department in London would be abolished. But then

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the prestige goes a long way. There was the Auditor in the Secretary of State's office and the High Commissioner's office. He does not want to work under the instructions from the Auditor General here and the High Commissioners are very chary to reduce the staff in the London Stores Department and they have not reduced it at all. I find, however, that this time there is some reduction in the office of the High Commissioner, but that does not meet the situation. Why should there be duplication of the staff, and why should the Indian High Commissioner have such a big staff, I cannot understand. Let the Honourable the Finance Member get the items of expenditure that Australia spends on its High Commissioner's department. Do they have so many Secretaries, Assistant Secretaries, Trade Commissioners and Assistant Trade Commissioners at London? I think the staff should be reduced. It seems to me that there is a conspiracy. When we put a man into a post, he wants to build up his department to show that he is doing some work, and the staff gets multiplied, but poor India cannot any more support such extravagances. I think the General Purposes Subcommittee made a very mild recommendation regarding the reduction of the staff of the Secretary of State and the High Commissioner. There ought to be a drastic cut in the case of these two departments.

Sir, my friend Mr. Mitra did not like to touch the Postal Department. I do maintain that every department should be a paying proposition. The criticisms that I level against the mal-administration of the railways apply equally to the mal-administration of the Postal Department. It is not a benevolent society, that the tax-payer should always contribute to pay high salaries to the staff of the Postal Department. Government must lay down the law that the Postal Department should be self-supporting, and if the salaries were raised, say, five or six years ago, they must be cut down. I shall hear a tirade from my Honourable friend, Mr. Joshi, who is a labour leader, but I do not understand how the Postal employees can be called labourers. Sir, every commercial department must be self-supporting, and if the Postal Department cannot pay its own way, then either the staff should be reduced or the salaries should be lowered. Another aspect of the Postal Department is the vested interests of my friend Sir Henry Gidney in the Telegraph Department.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): I have no vested interests in that department at all.

Mr. B. Das: Now that my friend is so much interested in the vested interests of railways he has dropped his former love, the Telegraph Department. I am glad that he agrees that he has no vested interests in the Telegraph Department and I hope my Honourable friend, Mr. Ryan, will see that he will do away with all the favouritism in the Telegraph Department where a certain number of posts are reserved for the members of the community to which my Honourable friend Sir Henry Gidney belongs. Those posts should now be thrown open to all.

Lieut.-Colonel Sir Henry Gidney: So they are.

Mr. B. Das: Then why should the Bombay Office and the Calcutta Office have so many posts which must be recruited from a certain community, and why should these high salaries be paid to them?

Now, I come to the Report of the Public Works Retrenchment Committee, over which my Honourable friend, Mr. Neogy, sat as the Chairman. My friend, Mr. Neogy, who was in a hurry to go to the Round Table

Conference, finished it in a week. He recommended only the reduction of one Superintending Engineer in the large number of engineering establishments that the Government have got at Delhi. This morning I said, sack the whole lot of the members of the Public Works Department. Now we have spent 16 to 18 crores on the Delhi capital. What is the use of maintaining this huge staff when there is no necessity at all for it, and even as my Honourable friend, Mr. Mitra, pointed out, they are not even able to supply drinking water to 2,000 extra souls if they are left here in the summer season in Delhi. The former Member for Industries and Labour, Sir Bhupendra Nath Mitra, with whom I used to have tussles on the floor of this House used to say that he had reduced the staff in the Public Works Department. I have gone over the list, and I find there is very little reduction in the staff. Today the P. W. D. deals with the maintenance of these buildings. Why then this huge expenditure of a Chief Engineer, two Superintending Engineers and so many Executive Engineers and so many Assistant Engineers? If I am to formulate a scheme, I say, sack the whole lot of officers, including the Superintending Engineers and even the Chief Engineer. I do not mind if the whole work is delegated to one Superintending Engineer (he may be called the Chief Engineer, but his salary should be of the grade of Superintending Engineer) to look after the roads and buildings of the Delhi Province. Instead of having merely two Executive Engineers, and a few Assistant Engineers, what do we find? We find that the Chief Engineer is so hard worked that he has got a Personal Assistant on Rs. 1,800. He is not recruited from the Engineering staff, but he has been recruited from the Secretariat of my Honourable friend, the Home Member's Department. I do not understand why a Chief Engineer wants a Personal Assistant who is a non-technical man! That is indeed a surprise to me. After looking into the administration of all the provinces I find the Chief Engineer, everywhere, has got a Personal Assistant who is always an Executive Engineer or an Assistant Engineer.

Mr. N. M. Joshi (Nominated Non-Official): Why an Engineer?

Mr. B. Das: I must stand for my profession. This non-technical Assistant of the Delhi Chief Engineer is paid Rs. 1,800. A Superintending Engineer who has to preside over the whole of the Delhi P. W. D. ought to get Rs. 1,800. Why should we continue this extravagance? There is a Superintending Engineer looking after the Horticultural Department. I know every Honourable Member of the Executive Council has got beautiful gardens and flower beds, but does that justify the poor tax-payer to maintain a huge Horticultural Department so that Honourable Members should have button-holes in their coats? I am not going into detail, but I think my Honourable friend the Finance Member should refer back again to the P. W. D. Retrenchment Committee this question, because that committee has not done adequate justice in that matter and we cannot maintain such a high salaried staff. The P. W. D. Committee recommended the abolition of the post of non-technical Assistant but it has not

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been given effect to. They also recommended the abolition of the post of the Roads Engineer. The contention of the Government is that the Roads Engineer is paid from the funds of the Roads Committee, and so we should not worry our head because the Central revenues will not be debited with any money. That is not the right way of looking at the subject. As we know, my Honourable friend, Mr. Shillidy, made a statement last session, that owing to the financial insolvency of the Provincial Governments, Government have decided that the Road Fund will be utilised for the maintenance and repair of the roads in the province for the present. That means that no Roads Engineer is at present necessary to remain with the Central Government to look after that Fund, because the Roads Committee of this House will allocate that Fund to the Provincial Government and they will take it and spend it on repairs and maintenance of roads. The Honourable the Finance Member will say that he is expecting the financial solvency of the provinces next year, and so the services of a Roads Engineer is necessary. But I strongly differ from him. There is no chance of solvency in the near future, and so I feel that the recommendation of the P. W. D. Committee should have been accepted.

I have indicated certain lines where retrenchment has been very inadequate and I feel that retrenchment must be adequate—not only in the salaries paid by the Government of India which are to the tune of 120 crores and these should be reduced by at least 33 per cent. or 40 per cent., but also there should be a complete change in the outlook and in the future recruitments. If the Honourable the Finance Member either refers to the General Purposes Committee or to any other Committee to look into the future scales of salaries, he will do justice not only to himself but to the country. I was not a party to the ten per cent. cut as a measure of retrenchment. The Honourable the Finance Member was himself the Chairman of the Retrenchment Committee where we unanimously recommended a graduated scale of cut rising from 3½ to 20 per cent. Unfortunately the Chairman of the Retrenchment Committee, though he happened to be the Honourable the Finance Member, was overruled by the Government of India and the Government of India, taking the cue from the Army Department and the War Office, decided that there should be no cut beyond ten per cent. To pamper and satisfy a few officers today, the whole country has been made to suffer. I think a cut of 20 per cent., and even higher, was necessary, and today looking into the financial conditions of the country, a cut of even more than 20 per cent. is all the more necessary. I think Government should look into the matter again and there should be even a 30 per cent. cut. Another suggestion of mine is that in the case of future recruitment to the services of the Government of India and also in the provinces they should not be paid the same scales of salary in the future as exist at present.

Lieut.-Colonel Sir Henry Gidney: I have listened very attentively to the Mover of this motion and I have made a close study of the reports that have been submitted by the various retrenchment Sub-Committees. Referring to the last speaker, my Honourable friend, Mr. Das, I do not think he showed much gratitude to the opposite Benches when after accepting the Finance Member's bouquet he denied him even the wearing of a button-hole. While I listened to the Mover of this motion, my mind went back to an amusing remark made to me by a railway servant shortly

after the railway report had been submitted. He said, "Sahib, who are these Sahibs who are travelling all over India to cut our pay. We work the trains in which they travel; they get their daily allowance and their travelling allowance out of our taxes and they now want to cut our pay", and with a coy smile he added, "Do you think it would be wrong if we removed fish plates from the rails and derailed the train in which they travel?". This remark was made in jest but I must congratulate the Retrenchment Sub-Committee on having so far had a safe journey all over India.

Mr. B. Das: So, the Honourable Member is in conspiracy with the railway employees for the purpose of removing fish plates.

Lieut.-Colonel Sir Henry Gidney: Apparently! but the Honourable Member's life is quite safe, Sir! I really do not understand what is behind this motion. As far as I am concerned, I am prepared to accept and stand by the sobriquet given to me by the Honourable the Finance Member. In his Budget speech he called me a whole-hogger; I frankly admit I am a whole-hogger because I am dead against retrenchment as advocated by the various Retrenchment Sub-Committees. On close examination of the work of these Retrenchment Committees I feel I can aptly describe them as itinerating hydra-headed cobras roaming over the country putting their stings into the purse of every employee and in emptying them shouting "Down, down with the public servant and save the public".

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce): That's a mixed metaphor.

Lieut.-Colonel Sir Henry Gidney: My interrupter can have the metaphor if it is suitable; if it is not, he can have the mixture. He can please himself, but I shall be pleased if he will not interrupt me again. Sir, let us look at the composition of the General Purposes Retrenchment Sub-Committee; there was not a single workman on it. I believe it consisted mainly of legal men. If the gentlemen who formed the Sub-Committees had belonged to the working classes and had their pay retrenched as they have advocated, I wonder what speeches we would have heard from them today. Sir, I was co-opted as a member of two of these Committees, "Railways" and the "Army". But I am glad I did not help to cut the wages of the lower paid employee. My intention in joining these Committees was to operate as a dose of anti-venom so as to be an antidote to the poisonous effects of these hydra-headed reptiles. In my efforts I also supported many of the points to which my Honourable friend Mr. Mitra referred, particularly to adequate retrenchment of higher paid appointments and also to what my friend Mr. Das demanded, namely, that these Retrenchment Committees should in addition have undertaken the task of revising the new scales of salaries for new entrants. My conflict with him is that they should not have retrenched the salaries of present employees. I have often wondered, Sir, what the legal members of these Retrenchment Committees would have done if a Government had issued an ordinance retrenching their incomes by limiting their legal fees to Rs. 50 a case or per diem. I feel sure they would have been up in arms at once, boycotted law courts and raised their voices in loud protest even as I am doing today. What I cannot understand, Sir, is why the Finance Member ever consented to the creation of these retrenchment monsters

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and further why he has been a party to the ruthless application of their retrenchment axe. He asked for these Committees and he is now faced with their impossible demands, some of which are impossible of acceptance, while others, if accepted, will be against the ordinary canons of justice and vested rights and interests. Does he not realise, or is he blind to the hand writing on the wall that by this ruthless retrenchment he was creating a very serious labour unrest all over the country? Surely the Railway Department, surely the Finance Member and surely the members of these Retrenchment Committees are not absolutely blind to what is happening among labourers in India today? Again surely it does not need any great persuasion from me to show Government that the Railways are today, seething with discontent and unrest and by this ruthless application of the retrenchment axe they are simply driving them to open revolt. Does Government desire to extend this unrest to other Departments as the Telegraphs and Customs? I would be the last man to countenance or encourage any such policy on the part of any employee or association or union protecting their interests. But there is a limit to the hardships these employees can stand, and surely Government is not blind to that fact. The Finance Member has made a definite statement that this 10 per cent. cut will be restored on a certain date next year. I only hope this promise will be carried out. Sir, I said just now that I agreed with what my friend Mr. Das said that these Retrenchment Committees would have served a more useful purpose if they had devoted their energies to establishing new rates of pay for new entrants and even creating new grades and new Departments for future employees instead of cutting down the salaries of subordinates. Certainly have new rates of pay for new entrants but why harm those who are already serving you, and serving you well and faithfully. I warn the Government to stop this policy before it is too late. Sir, in this epidemic of retrenchment which has infected these various Retrenchment Committees, both the Government and these Committees have forgotten one very important point and that is this. Broadly speaking, one can divide all forms of labour into two categories. The first category includes the labourer who gets a substantive or grade pay with nothing else or may be a few minor allowances as house allowance. He may work for 4 or 6 or 8 hours; still he gets his full pay and no allowance or very few. If he works overtime or under-time he gets nothing more nor less than this pay. These employees are to be found in the Government of India and Provincial Government offices and other such ministerial appointments. In the second category are those employees who receive a basic pay but a basic pay which is calculated or which is assessed according to the nature of work and the hours of work performed. Anything over that contracted period is called overtime and this is variously calculated and valued according to mileage or over hours spent on labour which is generally obtained at the sweat of a man's brow and by depriving him of hours of rest or leisure. That, Sir, is called "overtime". These are the two different classes of labourers. I ask Government and I ask the Retrenchment Sub-Committees, can they or should they treat these two classes of employees alike in their retrenchments? They cannot and yet this is exactly what they are doing with the result that such employees as overtime workers on Railways, Customs, Telegraphs, etc., are being more seriously retrenched than other employees. By working overtime Government is saved the employment of additional

staff at a higher cost. But what have these Retrenchment Committee's done? Those employees who have a lower basic pay and who depend for a decent wage on their extra pay earned by overtime at the expense of their health are the very men who have been most retrenched and suffer the severest. Sir, in previous speeches I dealt at length with the Railways. I do not propose again to refer to them except to say I entirely agree with my Honourable friends, Dr. Ziauddin Ahmad and Mr. Das, in that strategic Railways should be debited to military estimates and not to general railways.

I desire now to deal with one or two of the many departments referred to by the Mover. The Opposition Benches have accused me of having a very large heart. I admit quite frankly, Sir, that I have got a very large heart for the oppressed and retrenched workmen; and however much my Honourable friends, Mr. Mitra and Mr. Das, may point the finger of scorn and ridicule and even attempt to ridicule that loyal and patriotic little band of Anglo-Indian and Domiciled European workmen who have for centuries served India so well, for that scorn, for that satire and for that ingratitude I return a smile and say—I thank you for nothing but I am happy in the conviction that I have served India well, may be better than the Honourable Member, but I desire to tell him

Mr. President: Order, order. The Honourable Member has got into the habit of addressing the Opposition instead of addressing the Chair.

Lieut.-Colonel Sir Henry Gidney: I beg your pardon, Sir, but I was endeavouring to address it through you.

Certain remarks have been made about the Telegraphs. The Telegraphs certainly deeply concern the community which I represent here and I do think the Telegraphs have been very hard hit. I may inform my Honourable friends that the hardest hit employees in the Telegraphs are certainly members of the Anglo-Indian community who as a result of years of hard, honest and efficient labour are today in appointments drawing fairly high salaries most of which appointments the Posts and Telegraph Retrenchment Sub-Committee has axed. I need hardly refer to the serious prejudicial effect the recent competitive entrance examination into this Department has already had on Anglo-Indian recruitment. But I am not crying over that. I will leave the Telegraphs alone and deal with the Customs.

I regret to note that my Honourable friend Mr. Mitra never refers to any retrenchment measures without thickly tincturing his remarks with some sarcasm aimed directly to the community I have the honour to represent. I cannot understand why he does this and why he should always refer to the Anglo-Indian community in these biting and bitter terms. To him, the word "Anglo-Indian" is an anathema. But, Sir, let me tell this House that till a few years ago the entire Customs Preventive Service was exclusively manned by Anglo-Indians and Domiciled Europeans who by their loyalty, honesty and devotion to their service have so developed the Department that today it annually supplies to the Government Treasury from 30 to 40 crores of rupees—almost the cost of the Army in India and certainly more than the cost of maintaining the entire Government administrative staff. Sir, that is the Department whose interests I am trying to defend and protect in this House against the

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Retrenchment demands made. Sir, certain charges have been made by previous speakers against Government, and if you remember, Sir, when I spoke on the Railways I also made certain charges against Railway administrations. I then absolved the Railway Board from any blame, but I did blame the Railway administrations. I think every Member of this House will agree with me when I say that the Court of Inquiry report now in our hands has substantiated those charges. It has proved beyond doubt that the Railway administrations do not carry out the instructions of the Railway Board. I levy the same charges against the Heads of certain other Departments of the Government of India. I will take up only one out of many points raised by the Mover—"Superannuation". Sir, superannuation as it is put in Government's order of priority of retrenchment takes the last place. Superannuation as it is put into practice takes no place. There are many instances today of Government servants who have served far beyond the superannuation age but who for varying reasons are being kept on. The Customs is one of the Departments that is guilty of this disobedience of Government instructions. Why even today in the Calcutta Customs servants are being kept on beyond 55 years of age, while young men are being retrenched.

Mr. B. V. Jadhav: Do they belong to any particular community?

Lieut.-Colonel Sir Henry Gidney: The Customs today, as the House will no doubt be aware, is being recruited on very liberal lines, two Indians to one non-Indian recruit and there is no communal preference shown at all—Sir, I think that answers my friend's question. But the Customs Department in recent years has had additional responsibility thrown on their shoulders. Take the port of Calcutta for instance. It has recently been very much enlarged. Again one of the chief duties of Customs preventive officers is to prevent the smuggling of arms and drugs—a very responsible duty indeed—one which cannot be adequately assessed in terms of Rs. as pies. Another duty that has been imposed on them is heavy work associated with the constant changes of rates and tariffs. Now my friend, Mr. Mitra, reading from the report of the General Purposes Retrenchment Sub-Committee regarding the Customs Department, said that these Preventive Officers were overpaid; and in support of the retrenchment recommended of 50 per cent. of the overtime, said that formerly these Officers were originally recruited from the Police Department and as the Police of Calcutta were not in receipt of such liberal overtime he saw no reason why the Customs should get it. I am surprised at that line of argument. To argue that because the Calcutta Police have no overtime the Customs must today be deprived of a vested right it has enjoyed for years is to say the least, *reductio ad absurdum*. Does the Retrenchment Committee realise that this is a vested right of this Department, that the money is earned at the sweat of the brow and loss of rest and injury to health, that these employees have been engaged on the terms that they will receive overtime and to deprive them of this right would be a break of contract? Does it not realise that while the Customs is a revenue-earning Department, the Police is a money-spending Department? Did the Retrenchment Sub-Committee forget the indisputable fact that of all Departments of Government the Customs is the one that supplies the major part of its revenue? To come nearer home it is the means of giving each one of us our halting allowance of Rs. 20 a day and the

1 3/5 first class travelling allowances we get to attend this House. The Customs Department is the bank which supplies the finances of the present Government and the new Federal Government to be. Deprive the Government of this source of revenue and where are you? In the sea. Ruin this Department and the finances of your new Federal Government will be killed. And yet the Customs is the one Department that has been so hotly attacked by the Mover and the Retrenchment Committee. This is surely killing the goose that lays the golden egg and cutting this one's nose to spite one's face. I call this suicidal retrenchment—not beneficial and I cannot find strong enough language with which to condemn it wholesale. Sir, let me tell this House a few home truths about this overtime on which the Retrenchment Committee is remarkably silent. Owing to world wide trade depression and from 1927-28 this overtime has considerably reduced, till today it is 44 per cent. of what it was before. I ask members of the General Purposes Retrenchment Committee to remember this fact and I challenge them to deny it. In addition these officers have suffered 10 per cent. of their pay as also 10 per cent. reduction of the staff. I now want to ask where does the overtime come from? It comes from the merchants of the port of Calcutta. Who receives this overtime? The answer is it is shared between Government and these Customs officers.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): No Government do not get anything.

Lieut.-Colonel Sir Henry Gidney: I am open to correction, but I will take the correction from the official Benches—not from you, Sir, as Chairman of the General Purposes Sub-Committee.

Mr. S. C. Mitra: Take your lead and inspiration also from there.

Lieut.-Colonel Sir Henry Gidney: Sir, I refuse that invitation for I should then be misled. I do not want to weary the House with figures—which prove that whereas in the year 1927-28 the total overtime earned by this Service—and which I again say subject to correction is shared between the men and the Government—was Rs. 3,46,123, in 1931-32 it amounts to Rs. 1,89,266—a reduction of 44 per cent. What has been the result? The result is that the men have been deprived of nearly half their overtime. Furthermore a staff depleted by 10 per cent. is called upon to work over hours. May be all night at a return of 44 per cent. overtime less than normal times and less 10 per cent. in salary and on the top of this the Retrenchment Committee demands a further 50 per cent. less overtime. And what is happening today in this Department? These underpaid men, overburdened with the high cost of living and education of their children, as also a reduction in uniform allowance and increased income-tax are today flocking for financial help from the mutual help association, co-operative society, etc., and so are sinking deeper and deeper in debt. Sir, I submit if you attack the chief revenue-earning department of the Government of India with this severe measure of retrenchment, you will not only throw open the door to corruption, but what is more serious, reduce the morale of the Department. Does the House desire this? Do Government court this? In my opinion if there is one Department in the Government of India that should not have been touched by the retrenchment axe it is the Customs Department. May I also tell the

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House that there is no difference in pay between the various communities employed in this Department. They are all on the same basic pay. And so I am not appealing on behalf of my community only. I am speaking for a Department that today recruits two Indians to one Anglo-Indian. One word more before I sit down. What are the advantages of this system of paying overtime to these officers. Let me tell you. By the merchants paying these men overtime Government is saved the expense of engaging additional larger staff which would otherwise be necessary. Again the fees that are received from merchants have saved this expense to Government, otherwise Government would have had to pay them and finally this overtime is earned at a loss of rest and leisure to the workmen.

Sir, when I began my speech I said I was a whole-hogger. I will end by saying that I hope I have proved myself a super-wholehogger. Sir, I am absolutely against any retrenchments whatever. I am certainly in favour of reducing expenditure by forming a Committee to initiate new grades and new rates of pay for new entrants. I certainly do think there are a number of appointments which are in receipt of high salaries. Retrench those. I am also in favour of setting up a Committee to consider retrenchment of even the Lee concessions. I do not care what else you do; but I do state this, that this House is wrong in indulging in a campaign of ruthless retrenchment of its public servants and so saving the public. There are one or two other points to which I shall refer before I sit down.

My friend Mr. Mitra talked about the Indian Medical Service. May I tell members of that Retrenchment Committee that the question of health before wealth is a very good motto for them to practise and follow. The retrenchment suggested in the field of medicine and public health is to my mind almost impossible. For after all, surely members of that Committee have noticed that for the last ten years the expenditure on medicine and sanitation has been reduced to a dangerous degree in India. No Government and no country that desires to advance on scientific lines and to improve the country's health, especially the prevention of spreading epidemic diseases, can work without an efficient medical and health department and this means adequate money or hands off by the Retrenchment Committee.

Mr. S. C. Mitra: But it is a transferred provincial subject.

Lieut.-Colonel Sir Henry Gidney: I do not desire to refer to any department. My friend Mr. Mitra has done that. My one desire has been to defend the Customs Preventive Service against the cruel, unjust and inhuman retrenchments recommended by the General Purposes Sub-Committee. I hope I have proved my points to this House and that the Government will not bow to these retrenchment demands. Sir, I oppose this Motion.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands): Sir, there has been such a great deal of talk about retrenchment that it is worth the while of the House to hear an aspect of this problem which, so far as I know, has not been presented to the House up till now. We who have to administer the various departments of the Government have been a long-suffering people. One of our colleagues, the gentleman on my left, has long been known as the

watch-dog of the State finances. Since the financial stringency, he has developed into a wolf, and we really have a real bad time with him. Our only protection against his wolf-like habits was the threat we held out to him, "Here are the non-official Members of the House; they want to know what we are doing in the interests of the beneficent departments". What we are doing to keep the status of India high up in the civilized world? Sir, as luck would have it, Honourable Members of the House agreed to the Honourable the Finance Member's suggestion of forming themselves into a Committee. I never thought last year that that Committee would bring so much trouble to us. (Laughter.) I do not know whether the House is familiar with one of the numerous Committees this Committee divided itself into, but there was one that I came across very often, and that was the General Purposes Sub-Committee. What its purposes were, I do not know, except that it has left hardly any work for me to do. I seldom opened a pamphlet published by this Committee,—and it issued very many,—without seeing that some activity or other was curtailed. I wonder whether any Retrenchment Committee will be functioning next year to see to what extent money has been spent by this Committee, but I assure you there is hardly any activity of the Government of India's beneficent departments which has not been most ruthlessly attacked by my own people, the non-official Members of the House. And I have no protection now—enemies to my left—enemies to my right. (*An Honourable Member:* "Not in front?") Now, take a very simple thing, a thing that did not cost very much. I will give the House by way of illustration the department which came into being only recently, the Department of Archaeology. That is the one Department, Sir, in which India in the East and even in the civilized world including the West can hold its own and contribute to the knowledge of the past. Now, what did the Retrenchment Committee say? They said, "We do not want any exploration, we do not want any work whatsoever to be done". Not only that, they said, "You must stop the work that has already been done and not let the work already done be made available to the Indian public and the civilized world". Now, Sir, knowing the futility of one Member standing against his own, a colleague on one side and his own constituents so to speak on the other, I had no option but to bow my head to this decision of the General Purposes Committee. If my own colleague was a wolf, there was a band of wolves much more bloodthirsty (Laughter), but I put a limit to it when they said that not only that no work should go on but that the work already done should not be written in order to be presented to India and made available to the world. That is the one charge, that has been brought against me this morning. Why did I not, so to speak, throw into the waste-paper basket all the knowledge collected during the last 20 years by its officer who is retiring, and why did I dare to say that that man should record and publish those things? Well, Sir, it took me some days to meet him even in that matter. I assure the House that those were not pleasant negotiations into which I entered with the officer who was preparing that material and with whom, on behalf of this House and the Government, we had entered into a contract. It will perhaps satisfy the House, whatever it may have cost me, to know that a part of the payment has been deferred till such time as those books which he produces are sold and the Royalty obtained which goes to liquidate his claim against Government. I trust the General Purposes Committee or any other purposes committee that may be constituted, Sir, in the future will not be so hard on the departments which really do something towards raising the dignity and status of this country in the civilized world.

[Sir Fazl-i-Husain.]

Then, Sir, there was research work being conducted in India in the Forest Department, in the Medical Department and in the Public Health Department. The General Purposes Committee does not believe in the purposes of research at all. (Laughter.) It is a luxury which must be given up because we are hard up, nor have they spared research in agriculture. Grants under all heads have been practically withdrawn or reduced to a figure extremely low. Well, there again it only shows how the same thing can be looked at from different aspects or from different points of view. Those of us who place before themselves retrenchment as a sort of God or Goddess, whatever you may like to call it, lose all balance of mind in the matter of what is right and what is wrong. We have on this side of the House heard a great deal from Honourable Members opposite who consider that every order passed by us for expenditure incurred by us is nothing else but sheer extravagance indulged in with the sole object of squandering the treasures of the country. Well, Sir, it would perhaps be equally correct for me to say that every axe struck at the root of this department had but one object, and that was to kill the beneficent activities that this Government has been carrying on. I trust Honourable Members will forgive me if I speak with some feeling on the subject, but having entered under the reforms the British Government in a province with the sole object of doing what I could in the matter of beneficent departments, I could not but resent these activities of the General Purposes Committee when I had accidentally found myself to be a victim of their fanaticism.

Then, Sir, not only researches have been more or less successfully killed for the time being, but other departments like the Survey of India have been reduced to very nearly half in point of expenditure, and what is more, today I understand a more serious charge has been brought against my Department that while they thought that this cut would get rid of people of all communities, by some device I have kept the English and the Anglo-Indians and only done away with the Indians. Well, Sir, I confess I had not seen the figures till now, because I thought that this sort of criticism was the peculiar preserve of communal vernacular newspapers. But since on the floor of this House this very serious charge has been made, I assure the House that it is not well founded. On the other hand, only this morning I got a representation from an officer, who from his name appears to be certainly neither Hindu nor Muslim, so presumably either he was a European or an Anglo-Indian, saying that he has been unlawfully axed by my department. The statistics which I have been able to get within the last few hours show that retrenchment has by no means been limited to Indians. In the higher grades only Europeans—and it is only in the higher grades that they generally are—have been retrenched. That was due to the fact that there were no Indians in higher grades, but it is enough to refer to this fact to assure the House that the allegation made on this subject is not well founded.

Then, amongst other recommendations, one was to the effect that there should be no Council of Agricultural Research Secretariat, that as a separate department it should cease to exist, and that it should be combined with the Department of Education, Health and Lands, as was the case before. I will not enter into the merits or demerits of that controversy, but I will appeal to the House to remember that the department was not of my creation, and therefore there is not the very human tendency

of supporting what one has done, but it was the result of the recommendations of another Committee like the General Purposes Committee, called by a different name—the Royal Commission on Agriculture. It also worked for a long time and also produced as many big volumes as the General Purposes Committee have produced small ones. But I trust that Honourable Members will not think that the Royal Commission on Agriculture, whose recommendation on the subject was accepted by the Government of the day, and I believe was generally approved by the House—that when this department was a baby of about three years standing I should be called on to slaughter that infant without having given it a chance to show what it could do, I trust that in not having committed infanticide, I have not done anything of which the House disapproves. (Applause.)

Sir Abdur Rahim: The Honourable Member who spoke last has complained of the wolves in his own Government and of the wolves on this side of the House. Sir, if he only bore in mind under what circumstances we took up this task, he would have realised who are the real wolves and the real victims. The victims are the people of the country, and we wanted to save the people of the country from absolute ruin. The Government of India, or any Government which has control of the revenues of a country, has to be economical in the expenditure on themselves. My Honourable friend has been away from India for some time, and I am not sure that he is quite up to date in his information. I think he has been misled, if he will allow me to say so, as regards some of the points which he wanted to make before us. The General Purposes Sub-Committee had to deal with a very large number of subjects, including the subjects in the charge of the Honourable Member. If the Honourable Member had carefully read the Report and had the time to do so, he would have found that throughout our deliberations we have been most anxious not to cripple in any way the activities of the scientific or educational departments. This is expressly laid down in our Report in the very introduction, and we stuck to that throughout. If there have in fact been retrenchments in education or research beyond our Report, then in that case it is not the General Purposes Sub-Committee that ought to be taken to task. One point specially I ought to mention, and that is the Council of Agricultural Research. We never recommended that that Council should be done away with. On the other hand, we had to resist a great deal of pressure put upon us to abolish that Council. We recommended that the Council should be retained and should be allowed to carry on its work according to the Report of the Royal Commission. I do not know who gave information to a contrary effect to the Honourable Member, but that is the fact. I think the Honourable Member was mixing up the Council of Agricultural Research with the Agricultural Department. That is a different story. It is not the Council of

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain: I quite understand.

Sir Abdur Rahim: It is not the Council of Agricultural Research that we wanted in any way to abolish or whose operation we wanted to curtail. On the other hand, we give it our fullest support. All that we wanted to see was that there was no reduplication of work and that there was no employment of unnecessary staff simply because they are called experts. When the Honourable Member in charge of the department has at his command a number of experts in the provinces, for instance in Pusa, when he has got under his disposal, to give

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him advice, a large number of experts, a well paid and highly qualified staff, we thought that under the circumstances it was not necessary, when the finances of the country were in such straits, to have an unnecessary staff again at the headquarters. Then, as regards medical and health, we have been extremely anxious, quite as anxious as the Honourable Member for Education, that any legitimate activity of Government in the cause of sanitation and health should not suffer. But we found that at the headquarters we have an unnecessarily large staff, which could not be justified in these hard times. For instance, we know that the Indian Medical Service is primarily recruited for the Army, and in the Army itself we have officer who, among his other duties, has the supervision of the medical services. This is what the department itself admits:

"It will be seen that as stated by the Department of Education, Health and Lands 'only a portion of the Director General's work is done for the civil authorities'."

We say in our Report:

"The I. M. S. and I. M. D. are essentially military services. The expenditure on the Medical Store Depots and their profits are found among the Army Estimates. The principal minor administrations (e.g., North-West Frontier Province, Baluchistan, Ajmer-Merwara) have their own Chief Medical Officers. The State Railways have just reorganised their own medical arrangements."

We therefore came to the conclusion, which was amply justified by the evidence and the facts that we had before us, that it was unnecessary to retain such a highly paid staff at the headquarters of the civil department, when you have a fully organised department in the Army as well. But at the same time we were careful to lay down that the Government of India should have at their command competent medical advice on questions of sanitation and the like. We simply wanted to reduce unnecessary expenditure. Now, as regards the Medical Research Fund, evidence was given before us that no less than 50 lakhs was there in the Fund for promoting research, and we had evidence from which we drew the conclusion that under those circumstances it was not necessary during these times of stringency for the Government to make any annual contribution. Then as regards Archaeology, the chief complaint of my Honourable friend opposite seems to be that we have recommended the abolition of the post of Sir John Marshall whose services have been requisitioned after he had retired in order to write a book on certain explorations. Sir John Marshall had been in the service of the Government of India for a very long time, 28 years, and it was expected that during this long term of office he would have been in a position to publish the results of his own work and the work of his department. We were also satisfied that, whatever publication was necessary in order to give information to the world as regards the archaeological finds in India, the department was not without men in order to carry out such duties. Again, the terms on which Sir John Marshall had been re-engaged were extremely onerous, and we thought that in the interests of economy the requisitioning of his service after his time had expired was not justified. As I began by saying, we hesitated a great deal in making recommendations which would in any way impair the beneficent activities of the Government, for we have always been champions of the cause of such activities and if the colleagues of my Honourable friend have gone beyond our recommendations we cannot be blamed for that and I am sure Sir George Schuster will be able to reply to any such criticism.

Now, I come to something that was said by Sir Henry Gidney regarding the Customs. He said, "Touch whatever department you like but do not touch the Customs".

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhamadan): Because there are Anglo-Indians there?

Sir Abdur Rahim: The Honourable Member did not say so, and I am not going to impute any such motive, though what the peculiarity of the Customs Department is in this respect it is difficult to understand. All that he said was that it earns revenue. Therefore am I to take it that you can overstaff the department as much as you like? After all if that department is earning revenue, it is from the public and for the public. It is not for themselves. If there is overstaffing of the Customs Department and if the men are overpaid, it was the duty of this Committee, as a Committee of this House, to investigate the matter and make such recommendations as might seem proper. He was specially excited over the question of overtime allowances. We affirm our conviction that these allowances, which amount to no less a sum than 12 lakhs of rupees, could not be justified. The position as regards overtime allowances is this. These gentlemen are employed in the Customs Department for clearing cargoes and duties of that kind. They are wholetime servants of Government just as much as policemen, Magistrates and Judges and Members of the Executive Council.

Lieut.-Colonel Sir Henry Gidney: Do they work 24 hours?

Sir Abdur Rahim: There are many officials who have to work much more than their allotted official hours and they do not claim any extra remuneration for that. I do not know how this system of overtime payments came in. I could quite understand the case for overtime allowances if the contract with these men was that they were to work only certain limited hours and no more. If as a matter of fact these overtime allowances were justified by a special contract with these men, the Committee would have applied to them the general principle which they had laid down, namely, that the terms of any contract should not be affected. 12 lakhs of rupees is a very large sum in these days, and to make a present of this sum to a certain class of Government servants, we thought, would not be justified. But having regard to the fact that the practice has been prevalent for some little time, we recommended that 50 per cent. should be deducted. One Honourable Member, Mr. Ramsay Scott, a Member of this Committee, thought that 25 per cent. would be a proper retrenchment to begin with but the Government have accepted only 10 per cent. We are still of the opinion that these overtime payments, which amount to such a heavy charge, are not justified. (*Lieutenant-Colonel Sir Henry Gidney:* "Then do you propose to stop them for the railways too? Just try this".)

Sir, as regards the Posts and Telegraphs, I am not in a position to say anything. Those Members of the House who have dealt with the subject will be in a position to deal with that Department. I am afraid, Sir, I have already taken more time than I had intended in order to deal with the general principles on which we have based our recommendations. One thing we must make clear to the House. We have felt, and felt very

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keenly, as keenly as the Honourable the Finance Member himself, that the financial position to which this country has been reduced from various causes is such that the expense of the "government" should be reduced to the minimum for carrying out its duties compatibly with reasonable efficiency; and we felt that if that could be done, the difficulty of balancing the Budget would be far less than it is at present. If the expenses of the Government of India could be reduced to that minimum, then in that case there would be less of that crushing burden of taxation which at present is interfering with the industrial development of the country and cutting at the very root of the economic resources of India. Sir, we further felt, and felt very keenly, as keenly as Sir Henry Gidney, that many men would have to be thrown out of employment. We felt that, as a matter of fact not only men of his community but many more men of the Indian community, we fully expected, would be thrown out of employment. That was a hardship which from the very beginning we had in mind, and we laid it down that our recommendations must be subject to giving the men that have to be thrown out of employment, through no fault of their own, ample compensation so that there might be as little hardship as possible. Sir, we are not satisfied that in the case of such men sufficient compensation has been given, and we would press the matter on the attention of the Government so that they may receive proper compensation.

Now, Sir, there are one or two more matters which I wish to mention, and one of them is this. I find that even the recommendations of our second Report have not been fully considered by the Government. As regards the third Report rather our recommendation as to the third batch of the Demands which we had to deal with, the Report could not be got ready in time, but we gave the Honourable the Finance Member, as he desired, a summary of our recommendations, with a brief statement of the reasons in support of the more important recommendations. That was all that we could within the time at our disposal do, and Mr. Nixon, who was the representative of the Finance on our Sub-Committee, was present throughout the discussions and we were in fact satisfied from what he said that he would supply the Honourable the Finance Member with all the information that was necessary in order to make our recommendations intelligible. Sir, we consider that there is much room for retrenchment in the higher staff of the Government of India; none of us have any doubt on that point; I shall give one instance here—the case, for instance, of the President of the Council of State. We had evidence which showed that the duties required of that office are of such a character that the Government were not justified in incurring the charge of the payment of a high salary throughout the year. (Mr. C. C. Biswas: "Rs. 50,000 for less than 50 hours!") Yes, that I believe accurately represents the position. May I ask the Government if a state of things like that can be justified when the finances of an extremely poor country like India are in this difficult and precarious plight? Now we have made that recommendation, and we also suggested an alternative, a perfectly reasonable alternative, according to which, if accepted by the Government, the duties of the office of President of the Council of State can be discharged without any extra cost whatever to the Government. That is still under consideration we believe and I do hope the Honourable the Finance Member and his colleagues will see their way to giving proper effect to our recommendation in this respect.

Now, take another case,—that of the Public Services Commission. The Members of that Commission are a very well-paid body of men, each Member getting Rs. 3,500 a month, the President getting Rs. 5,000 a month—and we had unanimous evidence from them in reply to our questionnaire, showing that 3 members, which was our suggestion, would be quite adequate for discharging the duties entrusted to that Commission. We therefore made a strong recommendation to that effect. (Mr. C. C. Biswas: "It is an asylum for infirm children".) But so far that matter also has not been disposed of. We thought, having regard to the evidence given by Sir Ross Barker before us and the unanimous report of the Commission itself, that there would be no difficulty on the part of Government in accepting our recommendation; and we hope no further time will be lost by Government in giving effect to the recommendation we made in this connection. Sir, the small volumes or big volumes which we had to write in the discharge of our duties as members of this Committee have been circulated to Honourable Members of this House, and I presume they have had the time to go through them. The Government have also circulated a summary of the results of the retrenchment operations in the civil and the military departments, and Honourable Members will see for themselves how far effect has been given to our recommendations. So far as the recommendations of the General Purposes Sub-Committee are concerned, Government up to now have I believe been able to give effect to our recommendations to the extent of about 50 per cent. or so; I believe I am correct. We recommended that the expenditure of the departments should be reduced by Rs. 4 crores 23 lakhs, and so far as I gather from the information supplied to us, Government have accepted about Rs. 2 crores 40 lakhs of retrenchment. I am not taking the other civil departments but confining myself to the field covered by the General Purposes Committee. I think it amounts to about that. We are satisfied that the Honourable the Finance Member will do all that he can to see that the recommendations which these Sub-Committees have made should be carried out as closely as possible.

I wish to say, Sir, one word more, and that is with regard to the question that has been raised as to the dismissal or discharge of the employees of different communities. We bore this fact in mind as it is one of the most important questions that is troubling the country and the Government and we therefore in the very beginning made our recommendation that in carrying out retrenchment Government should bear in mind the principles which they have laid down regarding the composition of the services. That is to say, we have recommended that the policy of Indianisation should not be effected in any way so far as it can be helped and, further, we laid down that the policy which the Government have enunciated as regards the redressing of communal inequalities should also be observed as far as possible. We recognised also that it must be left entirely to the Government in carrying out their policy of retrenchment to give effect to these principles. It was not possible for the Retrenchment Committee to make any specific recommendations with regard to the members of particular communities to which certain employees in the Government belonged. If any injustice has resulted from the actual operations in the departments which had to deal with the carrying out of retrenchment then in that case we cannot in any way be asked to bear the blame. Sir, we know what the financial position is even now, it is a very serious position and we must still press therefore upon the Government that they should

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go on with the policy of retrenchment till sufficient economies have been effected to enable the Honourable the Finance Member to balance his budget without resorting to taxation which the country can no longer bear. It is quite clear that with the opportunities that we have had we could not go into many details which we would have liked to do. But we did our best under the circumstances and I should like to ask the House to take up the attitude that the Committees appointed from this House have done their best in order to carry out the duties entrusted to them. We have made recommendations for economy which are all set out in these Reports and I should ask the Honourable Members, including the Members of the European Group, who, I know, are equally anxious to effect economies in the administration, to give all the support they can to these Reports.

Several Honourable Members: The question may now be put.

Mr. President: I accept the closure. The question is that the question be now put.

The motion was adopted.

The Honourable Sir George Schuster: Sir, I think that the House may perhaps be grateful to me for one thing in connection with this debate and that is that I gave them an opportunity of looking behind the scenes and seeing what has been going on behind the scenes on our side in connection with this matter. I was fortunate in being able to get my Honourable colleague, the Member for Education, Health and Lands, to present his side of the picture to the House. Perhaps he was in a sense indiscreet, but I was grateful to him for his indiscretion in revealing to the House the sort of difficulties and even differences that exist on our side on this very difficult question of retrenchment. I wanted the House to appreciate that, and that actual position does, of course, make my task in replying to this debate a somewhat embarrassing one. To a certain extent, it is almost true to say that I, as a Finance Member, must find myself almost more in sympathy with those who have moved and spoken for this Resolution than I am with the Government if it takes up the attitude of resisting the demands for retrenchment. Therefore I wish to make nothing in the way of a debating speech to-day. I wish to make it clear that our attitude is one of listening to suggestions; our attitude is one of anxiety to carry this matter as far as it possibly can be carried consistently with the public interest. And the last condition is really the key to the whole difficulty. Retrenchment unfortunately has two sides to it. If you look at it from the point of view of reducing the expenditure and relieving the burden on the tax-payer's back, then it is a very desirable object. But unfortunately when you come to see it translated into action, it has undesirable and often almost tragic results. The difference which exists between my Honourable colleague, in his anxiety to protect the services for which he is responsible, and myself as responsible for the finances of the country, reveals the real difficulty of the situation. In fact, "You cannot make omelettes without breaking eggs" and the process of breaking eggs in the particular case is a very unpleasant one. It is in that connection that I want to say something about what fell from my learned friend the Leader of the Independent Party. He resented, or professed to resent, some of the things which Sir Fazl-i-Husain in his speech had said and he protested

and said that his own Sub-Committee in their recommendations had always been most careful to make it clear that they wanted to do nothing to interfere with the activities of the scientific departments or the beneficent activities of Government. That may, indeed, have been their desire; but unfortunately their recommendations had a very different effect, and it was of their recommendations that my Honourable colleague tried to give the House some account. I would like to refer just to one particular example, the case of the grant for Agricultural Research under Demand No. 60, Imperial Council of Agricultural Research. There, it is true that the economies accepted by the Government are shown as Rs. 5,96,000 as against Rs. 4,22,000 recommended by the General Purposes Sub-Committee. But the big item in the Rs. 5,86,700 which we have accepted is the temporary suspension of the annual grants of five lakhs. We suggested and we have agreed to suspend the whole of that five lakhs, whereas the Sub-Committee only recommended a suspension of 2½ lakhs. We felt that the whole of the five lakhs could be suspended because that would not mean, in this particular year, any reduction in the sums available for expenditure, inasmuch as the Imperial Council of Agricultural Research has a large endowment fund on which they can still draw. If you deduct that item, the recommendations of the General Purposes Sub-Committee for cutting down the activities under this head come to Rs. 1,72,000 as against our recommendation of Rs. 86,700. Therefore, they recommended almost double the economy in that particular form of activity which the Government have accepted, and as an example of what they have done, I may say they have recommended the abolition of both the posts of scientific experts attached to the Imperial Council of Agricultural Research. We felt that if both those experts were to go, the Imperial Agricultural Council would be left unable to perform the most useful part of its functions. I quote that as an example for the purpose of showing that when my Honourable colleague spoke of the recommendations of the General Purposes Sub-Committee as in some respects having gone so far as almost to kill the activities of the scientific departments, he was not speaking beyond the truth, he was not exaggerating the picture. In a debate of this kind, it is always difficult to avoid the danger of being led into too much detail. One is in danger of "failing to see the wood for the trees". I sympathise very much with the Honourable the Mover of the motion in the difficulty of the task which he put upon himself this morning. He tried to take the House through the whole of the various heads, or all the most important heads, and, having had some experience myself of trying to go through a large number of figures, one after the other, before this House, I felt a good deal of sympathy with him in the difficulty of the task which he had undertaken. In some respects, if he will excuse my saying so, he was right in trying to deal with this matter in this way, because it is only when you come down to practical details that you can really test what has been done. At the same time, it would obviously be impossible for me to attempt to follow him in that detailed task of counting the trees, and I would ask the House to allow me to stand back for some time from the picture and try to convey some idea of the wood of which those trees are the constituent parts. If we consider the position from that point of view, what does it really amount to? If I try to look back to the position in this Assembly about a year ago, or a little less than a year ago when the question of the appointment of these retrenchment committees came up, I remember that I, being anxious that we should have some form of co-operation in this work, wooed the Opposition Parties very assiduously.

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They required a very great deal of wooing. To start with, they recoiled from my advances, and at one time I thought I was going to have no success at all. However, in the end, "protesting that they would never consent", they did in fact consent to join us in this work of retrenchment. On our side—and as differences on our side have already been revealed to the House, I need not be afraid of going up a little further and revealing still further the differences on our side,—there was a great deal of anxiety as to what this scheme of mine might lead to. Many people felt that to have the administrative departments of the Government reviewed by Committees of this Assembly who were in no way experts on administration, or who, perhaps with very few exceptions, could not claim that designation,—many people felt that that was a very dangerous experiment indeed. In fact, Sir, looking back on the prospects of a year ago, it is hard to imagine any marriage which on the opinions expressed at the time was less likely to be successful than the one which I attempted to promote. Nevertheless, I think if we stand back from the picture,—and I ask my Honourable friends on the Opposite side not to be unfair in this matter,—if we stand and look back and consider how we have worked together during these past twelve months, I think we may, on both sides, congratulate ourselves on the measure of success which we have achieved. I gave the House certain figures in my speech last Monday in which I put the position in this way: that out of the total recommendations of the various Retrenchment Sub-Committees on the civil side amounting to 499 lakhs, we have actually accepted economies amounting to 433 lakhs; that is to say, economies to the extent of 87 per cent. of the recommendations. My Honourable friend the Leader of the Independent Party has put the position in a somewhat different way, and working on the figures, as he had them, he said that we had, as regards his own Committee, only accepted his recommendations to the extent of 50 per cent. I think that that is not quite a fair statement of the position. The position, as regards his own Committee, according to my figures is as follows: his Committee's total recommendations, excluding the 15 lakhs about which the Honourable the Mover spoke arising out of the Lee concessions, and which I treat as rather a separate matter, his Committee's recommendations amounted to 410 lakhs. Now, included in that 410 lakhs is a sum of 30 lakhs involved in the total abolition of the Ecclesiastical Department and, as I pointed out when we were debating this subject last November, it really is hardly fair to treat that as an ordinary retrenchment. As a matter of policy, you may say, "Abolish that Department" or as a matter of justice, you may say "This is a burden which ought not to fall on the Indian revenues", but it cannot be treated as an ordinary measure of retrenchment, nor could it be added to the total on which we have to show our results. Therefore, if I deduct that 30 lakhs, the total manageable retrenchment recommended by my Honourable friend's Sub-Committee comes down to 380 lakhs. Now, as against that, we have, as part of the measures of the retrenchment recommended by the Sub-Committee accepted measures producing economies of 249½ lakhs or say, 250 lakhs out of 380 lakhs. But that is not the whole picture. Honourable Members, who have studied this Summary which we circulated, will find on page 6, where all the figures are summarised, that in addition to the actual measures which represent the acceptance of recommendations of the various Sub-Committees, we have got the departments to accept economies this year totalling Rs. 87,81,000. Now, those savings are not in all cases permanent economies

but we can regard them as savings which will be effected this year, and which, in a sense, will hold the position until perhaps we have a chance of building up more permanent economies behind them. They must certainly be added to the total of our achievement and I quite justifiably included them in the total when I gave to the House the figure of 4,33 lakhs as the savings against the recommendations of all the Sub-Committees on civil expenditure. If I add a proportionate part of those 87 lakhs odd of additional economies to the 2,50 that we have achieved against the General Purposes Sub-Committee's recommendations, I get something like 3,20 lakhs against 3,80 which I call the sum of their effective recommendations. And that, I venture to put to the House, is a very effective response to the recommendations which they have made, especially when it is considered that in certain respects we have not yet had time to go fully into their recommendations, particularly under those headings which will be covered by their third Report, a Report which we have not yet received. That, Sir, I venture to put to the House, is the general picture. Economies of about 4,30 lakhs against recommendations of about 5 crores on the civil side, and on the military side total savings for the next Budget of 5½ crores, against recommendations as regards permanent economies which did not so far amount to quite 3 crores. I think we can say that if last year anybody had known that we were going to come before this House with results of that kind, I think it is fair to say that 90 per cent. of the Members of this House would have refused to believe that it was possible; and I do feel, as I have already said, that looking back on the broad picture of our achievement, that is something on which both sides of the House may congratulate themselves.

Now, Sir, among those who have criticised us, I think one may divide their criticisms under two heads. There is what I call the generally phrased criticism, which bases itself rather on well-known clichés such as "fat salaries at the top" and "top-heavy administration" and that sort of thing; and on the other side we have the very detailed criticisms such as some of those which my friend the Leader of the Independent Party made in the speech to which I am just replying. He for instance took two small examples, the case of the President of the Council of State and the case of the Public Services Commission. Well, I freely admit that these are both cases on which it is possible for an impartial observer to make very easy criticisms. On the face of it, there obviously is room for economy under these two heads, and I may tell the House that we are seriously considering means for reducing expenditure under these heads. But the steps in order to effect that reduction cannot be taken immediately, and in any case cannot be taken until there is some change in the tenure of the posts which are affected under the two heads. But the point which I really want to put to the House is that although these may be telling examples, they do not, in relation to the total of Government expenditure, amount to appreciable sums. And I think what I have said there applies really to most of the particular criticisms that have been made in the course of this debate. But I would turn back from these two small examples to the more general type of criticism, which is of the other kind which I described. Well, Sir, in that connection I fully agree with what has fallen from several speakers, both on this side and the other side of the House, as to the necessity with which the country is faced for a general reduction, if present economic conditions continue, in the scales of pay throughout the services. But when we are accused of not having effected sufficient economy at the top, or for

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not having made sufficient cuts in the higher salaries, I do wish to remind the House of the figures which I gave them in the course of the last debates as to the amount which is involved in those higher salaries. I would remind the House that in the case of salaries of over Rs. 1,800 a month, the total bill of the Government on the civil side, including Posts and Telegraphs, is only 1.15 lakhs; and if you go down to Rs. 1,000 a month, the total bill again on the civil side, including Posts and Telegraphs, is only 1.95 lakhs. It is quite obvious from these figures that, however drastically you cut the salaries above those levels, it is not going to have a major effect on the Government's financial position. It is not going to make any appreciable difference in the burden of taxation as it has to be borne to-day. Then again when we are told, as my Honourable friend Mr. Das told us, that we have only scratched the surface, I would reply to him, what about the Retrenchment Committees? The various Retrenchment Committees working for a year and having a completely free hand, in spite of what anybody says, to look into every matter that came before them, have on the civil side only produced economy recommendations of 4.99 lakhs and we have met them by effecting actual economies of 4.33 lakhs. Even if we admit that the whole difference of 66 lakhs between these two figures might have been accepted by the Government, that again is not a sum on a scale which would appreciably have affected the present financial position. It would not have appreciably altered what we have to ask for in the way of new taxation and in fact no one would have felt any difference at all. I do think it is important that the proportion of figures about which we are talking should be realised.

Now, Sir, my Honourable friend who moved this motion raised a very great number of points into which I cannot possibly enter this evening. He made some particular criticisms about the way in which the retrenchment policy had been carried out and levelled some charges on those who were responsible for departmental action, which I very much regret to have heard coming from him. He told us that the system of classification, the system of the order in which we arranged that retirements should be effected, gave room for a great deal of variation and a great deal of jobbery and unfair discrimination. But if he has any charges to make in that respect, I would like him to come to me with them and let me have a chance of going into them. I can assure him that the matter has been very carefully attended to in each department. Each department had its selection committee to go into the matter; and as far as I know, one consideration and one consideration only has influenced a final decision, and that is to achieve the maximum economy consistent with efficiency. There has been no sort of influence of personal considerations, and as regards communal considerations the House already knows from the answers which I have given to repeated questions in the course of this session, that our orders have been that the communal proportion should be exactly preserved. If my friend has cases,—and he read out a large number and list of names—I hope he will give us an opportunity of going into them, because I do not like charges of that kind being made; and I am perfectly confident that if the cases are gone into, I can convince my Honourable friend that there has been nothing of the nature which he suspects in the selection of individuals for retirement.

Then, Sir, he raised the question of the terms of compensation to retrenched officials and there also my Honourable friend the Leader of the Independent Party had something to say. I do not wish to weary the House now with a full comparison of the terms of compensation which are being paid now and those which prevailed at the time of the Inchcape Committee. I only want to make two remarks. One of them is that if you have adequate compensation, adequate, that is to say, to satisfy all those who feel sentimental sympathy,—and it is very difficult to avoid feeling that sympathy for those whose posts are abolished,—if you are going to have compensation adequate in this sense, then you will get no retrenchment. You cannot, as I said before, "make omelettes without breaking eggs". The other thing I want to say is this, that in the case of the Inchcape retrenchments, there was in fact surprisingly little retrenchment of personnel. Honourable Members, who care to study the effect of the Inchcape economies, will find that practically the whole of it was effected in the Army, and that as regards civil personnel, the numbers of personnel retrenched were very small. In that case there were given in certain cases terms more favourable than those which we are giving to-day, but those favourable terms applied only to staff in the Secretariat; and we came to the conclusion that that was an entirely unfair discrimination which ought not to be repeated in the present circumstances, where very much greater numbers of personnel are affected. I have already arranged, as I promised last week, to circulate to the House full particulars of the terms which are being offered. As I have had no detailed criticisms on those terms but merely a general complaint was made that they were less favourable than those recommended after the Inchcape retrenchments, I would invite Honourable Members to study those terms, and I think we may stand on them and feel that we have made out our case.

A good deal has been said this evening about the position in the Customs Department, and particularly as regards the payment of overtime fees. I do not know whether the House appreciated that these overtime fees, about which we have heard so much, actually cost the Government nothing. They are fees which the Government recover from the shipping interests for working overtime, and it has been the custom ever since the Customs Department was organised on its present lines, that men who were called upon to work overtime are entitled to a certain share of the benefit from those overtime fees: a certain share went to increase the pay of the staff and another part went to support beneficent institutions for the welfare of seamen. Now I think it is somewhat unreasonable to claim that a particular class of Government servants may be called upon not merely to put in their regular nine hours' work a day, but to hold themselves in readiness to be called upon to work at any time during the whole 24 hours. It is unreasonable to claim that they should be subjected to that sort of addition to their obligations without getting some financial compensation for it. I think it is also most unreasonable to say that when you have recruited a service on certain well understood terms, you should select that service and that service alone for a discriminating measure of retrenchment. We felt when we went into the case that it had become a recognised part of the terms on which the Customs service were engaged that they should be entitled to overtime fees on the scale which had become customary, and that the furthest we could go was to subject their benefits under that head to

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the same cut as we were applying to the ordinary remuneration of Government servants. Whatever any one may think about the justice of instituting the original practice, it is quite certain that those men who are now serving had a legitimate expectation of those benefits, and we had to treat it as part of their ordinary conditions of service and refuse to discriminate against that particular form of remuneration. The whole of this question, as regards future entrants, is receiving very careful consideration, and we may be able to make some change in the conditions, but we have always got to remember this, that the conditions must be sufficiently attractive to attract the type of men that we want, and to guard the service, as has been most pertinently pointed out by my Honourable and gallant friend on my right, against the danger of corruption which might arise if the scale of remuneration was inadequate.

That brings me to one other important point, that is the question which has been raised as to what is to be done as regards the permanent scales of pay in the future. On that, I will say that the matter has been receiving the most careful attention of the Government, and I do not want to say more now than that I hope to be able to call a meeting of the main Retrenchment Committee some time before the end of this week, when the procedure for the further consideration of this question can be put before them. The matter certainly has not been ignored and no time has been wasted in conducting inquiries and in the consultation with the various interests concerned—departments, branches and Provincial Governments—which is necessary in order to deal with that question. In the meanwhile I would remind the House of what I told them the other day, that we are not prejudicing the future, for, since the 1st of July last year, all officers have been taken on on the distinct understanding that the terms are provisional and that they are not acquiring rights for the future on the existing scales of pay.

I think that I have taken sufficient time of the House in dealing with the more important points which I have selected. I should have liked if it had been possible to go through some of the points made by the Honourable the Mover and also to answer certain of the arguments which fell from my Honourable friend, Dr. Ziauddin Ahmed, particularly as regards the Army expenditure. There is only one remark which I would make to him in conclusion, and as I have said little yet about Army expenditure, I may permit myself the time for doing so. My Honourable friend read to us some extracts from the Inchcape Committee's Report, and he said that what they wrote then is equally true to-day. He read extracts to the effect that the country cannot stand the burden of a Military Budget at the level which was referred to in that Report. But I would remind my Honourable friend of this, that when the Inchcape Committee reported, the military expenditure was something like 67½ crores, whereas to-day it has gone down to just over 46½ crores; and I think it is a little unfair to apply to that reduced expenditure the arguments which held good when the expenditure was more than 50 per cent. higher than it is to-day. I would also remind my Honourable friend, if he takes his stand on what the Inchcape Committee said, that the Inchcape Committee held out, as an ideal to be aimed at, a reduction of Army expenditure to something like 50 crores; and that whatever may happen in the future, we have at least in the next year got the expenditure down to 8½ crores below that figure. I think . . .

Dr. Ziauddin Ahmad: May I just point out . . .

The Honourable Sir George Schuster: I think my Honourable friend will excuse me if I do not give way; the time is short and the point is a simple one and I should like to finish. I do not say that if prices get lower than they are to-day, that it will not be necessary to seek still further economies. But I do say this; that we have at least done more than the Inchcape Committee recommended and that, short of substantial reductions in troops, we can claim that Army expenditure has been cut down now to the minimum which is possible. My Honourable friend referred to expenditure before the war, and he made great play with the uselessness of non-effective charges; but unfortunately those non-effective charges, being charges for war pensions and ordinary pensions, are just the very charges which no man can reduce. The Government cannot avoid them, and it is very largely the increase of those charges which has increased Army expenditure since before the war.

In conclusion I must return to the main point which I have made, that if we look at the general picture, I think we may congratulate ourselves on the achievement of this year. But I would be the last person to say that we may rest content with that achievement, or that we should turn a deaf ear to the expressions of public opinion which we have heard in the course of this debate emphasising the urgent need for further reduction in public expenditure and the urgent need that we should not relax our efforts in attempting to get equilibrium on those lines.

Mr. S. C. Mitra: Sir, I have hardly time to reply to the weighty remarks of the Honourable the Finance Member. My main contention was that there was no other way except by retrenchment, by which we could attain our object of balancing the Budget or meeting the situation. I think the suggestion first came from the European Group; a year or two ago they first pressed for more retrenchment. In my speech I went through the details in order to show that there is enough room for further and more retrenchment, and now I shall only refer to a few points to reply to some of the points made by the speakers.

The Honourable Sir Fazl-i-Husain took us to task and said that the General Purposes Retrenchment Committee recommended that these scientific departments should be retrenched to the utmost possible limit. Here I will merely quote just a line from our Report to show the attitude that was taken by the representative of the Finance Department on our Committee to our proposals. On page 38 of our first Report it is stated—“Our official colleague, Mr. Nixon, holds that its expenditure should be reduced so as to cost not more than 9½ lakhs in all, but he has given no details of the scheme he has in view”.

Then I shall read from page 29 of the same Report to show that at every point it was the representative of the Finance Department who pressed for really killing these scientific departments. On the Geological Survey, this is what is stated in the Report: “Our official colleague, Mr. Nixon, however, urges that on grounds of financial necessity it should be closed down altogether for a term of years”.

Then again at page 43, in connection with other scientific departments, it will be seen that “Mr. Nixon, however, holds that this group of institutions should also be subjected to retrenchment in common with the departments of Government,” although we suggested that these scientific departments should not be touched. So, Sir, it is not so much the fault of

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the General Purposes Committee as the pressure that was brought to bear upon the Committee's deliberations by the representative of the Finance Department that led us to suggest these large reductions in Scientific Departments.

As regards the point raised by my friend Sir Henry Gidney, I can only say that if really you would like to give more money to these people, why don't you in these days of unemployment recruit fresh men? Even men from his own community will be helped. Why should you give extra emoluments to whole-time servants for overwork? Then again if you work them overtime and make them also work at nights, certainly they will not be able to maintain their efficiency on the following day. It is certainly wrong on principle for Government to allow their officers to work over night.

Then as regards compensation to the retrenched officials; I think I showed that the Inchcape Committee's suggestion was that there should be an additional 20 per cent. enhanced pensions for the lower paid people, and of course it was given effect to. As regards compensation, even the Honourable Member himself in his first estimate made an allowance for roughly 20 per cent. for this purpose, but we find that it is now actually even less than 10 per cent.; that shows what was first considered as necessary compensation has been subsequently very much reduced.

Sir, with these remarks I close this debate, but I press my main point for more retrenchment, and I think the House will agree with me and also vote for my motion.

Mr. President: The question I have to put is:

"That the Demand under the head 'Executive Council' be reduced by Rs. 100."

The Assembly divided:

AYES—47.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Bagla, Lala Rameshwar Prasad.
Bhuput Singh, Mr.
Biswas, Mr. C. C.
Chandi Mal Gola, Bhagat.
Chinoy, Mr. Rahimtoola M.
Das, Mr. A.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Ghuznavi, Mr. A. H.
Gour, Sir Hari Singh.
Gunjal, Mr. N. B.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Ibrahim Ali Khan, Lt. Nawab
Muhammad.
Ismail Ali Khan, Kunwar Hajee.
Jadhav, Mr. B. V.
Jog, Mr. S. G.
Lahiri Chaudhury, Mr. D. K.
Misra, Mr. B. N.
Mitra, Mr. S. C.

Mody, Mr. H. P.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Neogy, Mr. K. C.
Pandit, Rao Bahadur S. R.
Patil, Rao Bahadur B. L.
Ranga Iyer, Mr. C. S.
Reddi, Mr. T. N. Ramakrishna.
Sadiq Hasan, Shaikh.
Sarda, Diwan Bahadur Harbilas.
Sarma, Mr. R. S.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gya Prasad.
Sitaramaraju, Mr. B.
Sohan Singh, Sirdar.
Suhrawardy, Sir Abdullah.
Sukhraj Rai, Rai Bahadur.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Wilayatullah, Khan Bahadur H. M.
Yamin Khan, Mr. Muhammad.
Ziauddin Ahmad, Dr.

NOES—46.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Allah Baksh Khan Tiwana, Khan.
Bahadur Malik.
Allison, Mr. F. W.
Anklesaria, Mr. N. N.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Brown, Mr. R. R.
Clow, Mr. A. G.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Croker, The Honourable Sir James.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Fox, Mr. H. B.
French, Mr. J. C.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Gwynne, Mr. C. W.
Heathcote, Mr. L. V.
Howell, Sir Evelyn.
Ishwarsingji, Nawab Naharsingji.
Jawahar Singh, Sardar Bahadur
Sardar.

Lal Chand, Hony. Captain Rao
Bahadur Chaudhri.
Macqueen, Mr. P.
Moore, Mr. Arthur.
Morgan, Mr. G.
Mukherjee, Rai Bahadur S. C.
Nixon, Mr. J. C.
Noyce, Sir Frank.
Rafiuddin Ahmad, Khan Bahadur
Maulvi.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rama Rao, Diwan Bahadur U.
Rau, Mr. P. R.
Ryan, Mr. T.
Sahi, Mr. Ram Prashad Narayan.
Schuster, The Honourable Sir George.
Seaman, Mr. C. K.
Sher Muhammad Khan Gakhar,
Captain.
Studd, Mr. E.
Sykes, Mr. E. F.
Tait, Mr. John.
Wood, Sir Edgar.
Young, Mr. G. M.

The motion was adopted.

The Assembly then adjourned till eleven of the clock on Wednesday, the 16th March, 1932.

LEGISLATIVE ASSEMBLY. 30

Wednesday, 16th March, 1932.

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

QUESTIONS AND ANSWERS.

MOTOR MAIL CONTRACTS IN BOMBAY, MADRAS AND BENGAL.

818. *Rao Bahadur B. L. Patil: Will Government be pleased to state:

- (a) the names of different places to which postal mails and other articles are carried on a contract basis in motor vans and lorries in the Presidencies of Bombay, Madras and Bengal together with the names of the contractors and the amount of the contract;
- (b) who is the authority negotiating and sanctioning such contracts;
- (c) whether the Director General is the final authority;
- (d) whether the contractor is one and the same man both in Madras and Calcutta; and
- (e) whether it is a fact that the Calcutta contract was given to the Madras contractor on much better terms and conditions than actually advertised; and
- (f) whether they propose to hold auctions for smaller circles?

Mr. T. Ryan: (a), (b) and (c). Heads of Postal Circles have power to make contracts for the carriage of mails at costs up to Rs. 1,000 per mensem in each case. Government have no particulars of such contracts. Larger contracts require the approval of the Director General of Posts and Telegraphs, and in certain cases of the Government of India. A list of such contracts is being prepared and will be laid on the table.

(d) Yes.

(e) I can find no ground for the Honourable Member's suggestion. Government placed the mail contract with the present contractor after considering all tenders received in response to the advertisement.

(f) The question is not understood. Mail contracts are placed under the usual tender system.

GRIEVANCES OF THE MUSLIM COMMUNITY AGAINST THE PUBLIC SERVICE COMMISSION.

819. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Has the attention of Government been drawn to:

- (i) a series of letters voicing the grievances of the Muslim community against the Public Service Commission which have appeared in the *Eastern Times*, Lahore, from time to time;

(ii) the letter from Mr. D. Reynell, I.C.S., the Secretary, Public Service Commission, which was published in the issue of the 14th December, 1931, of the *Eastern Times*, Lahore; and

(iii) the rejoinder to Mr. Reynell, which appeared in the issue of the 24th December, 1931, of the same paper?

(b) Is it a fact that the Public Service Commission did not reply to the rejoinder mentioned in item (iii) above? If not, why not?

The Honourable Sir James Crerar: (a) Yes.

(b) No reply was sent because the Government of India who were consulted by the Public Service Commission did not consider it desirable to pursue the matter in the Press.

Dr. Ziauddin Ahmad: I hope the Honourable Member has read the article of 24th December. There are some serious allegations there.

Mr. President: The Honourable Member is not asking a supplementary question.

Dr. Ziauddin Ahmad: I am just asking whether the Honourable Member has read the article dated the 24th December himself and whether he has read the serious allegations made against the Public Service Commission in that article?

The Honourable Sir James Crerar: I regret to say that the article is not in my possession and I have not had the opportunity of perusing it. If the Honourable Member will be good enough to send me a copy, I shall be glad to look into it.

Dr. Ziauddin Ahmad: I will send it.

VACANCIES FOR MEMBERS OF MINORITY COMMUNITIES IN CENTRAL GOVERNMENT DEPARTMENTS.

820. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Will Government please say whether, prior to holding their 1931 examinations, the Public Service Commission asked the various offices of the Central Government to state their requirements of (i) members of the minority communities, and (ii) Muslims?

(b) If so, what were the requirements of each office under each category?

The Honourable Sir James Crerar: (a) Yes.

(b) I presume the Honourable Member is referring to the requirements in connection with the 1931 examination. A statement giving the information is laid on the table.

Statement showing the demand of each office for members of minority communities and Muslims in respect of vacancies which occurred during the period 1st April, 1930 to 30th September, 1931.

Departments or Offices.	1st Division.		2nd Division.		3rd Division.		
	Minorities excluding Muslims.	Muslims.	Minorities excluding Muslims.	Muslims.	Minorities excluding Muslims & Lady clerks.	Muslims.	Lady clerks.
1. Department of E., H. and L.	..	1	1	..	..	..	..
2. Department of I. and L.	..	1	..	..	1	..	..
3. Home Department	..	..	..	1	..	..	..
4. Director of Civil Aviation.	..	1	..	..	..	..	..
5. Indian Stores Department	..	1	..	1	..	..	..
6. Public Service Commission	..	..	..	..	..	1	..
7. Director, Intelligence Bureau	..	..	..	..	1	..	..
8. Central Printing Office.	..	..	..	..	..	1	..
9. Assistant Director of Ordnance Services (Provn).	..	..	..	..	2	..	..
10. Military Adviser-in-Chief, Indian State Forces	..	..	..	..	1	..	..
11. D. G., I. M. S.	..	..	..	..	1	..	..
12. R. A. F. Headquarters	..	..	..	..	3	..	..
13. Military Secretary's Branch	..	..	..	..	1	1	..
14. Medical Directorate	..	..	..	..	2	..	1
15. Q. M. G.'s Branch	..	..	..	..	3	3	4
16. Master General of Ordnance Branch	..	..	..	..	..	6	2
17. G. S. Branch	..	..	..	..	..	..	11
18. A. G.'s Branch	..	..	..	..	..	1	9
19. E.-in-Chief's Branch	..	..	..	..	..	4	2
Total	..	4	1	2	15	17	29

APPOINTMENT OF MUSLIMS TO MINISTERIAL ESTABLISHMENT OF THE CENTRAL GOVERNMENT.

821. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Is it a fact that the Public Service Commission, in its communiqué, dated the 16th October, 1930 announcing the competitive examination for the selection of candidates for the ministerial establishment of the Central Government stated that not less than 15 of the Third Division appointments would be reserved for Muslims?

(b) How many Muslim candidates were actually declared qualified by the Public Service Commission against these 15 reserved appointments?

(c) How were the 15 vacancies reserved for Muslims disposed of?

The Honourable Sir James Crerar: (a) Yes.

(b) Eight.

(c) Six were filled by qualified candidates from the competitive list, one by a qualified candidate from the qualifying examination held for departmental candidates and six by appointment of temporary Muslim clerks who qualified at previous examinations. I have no precise information about the remaining two, but the orders of the Home Department are that unqualified Muslims may be employed temporarily in permanent vacancies reserved for Muslims until qualified members of that community are available.

Dr. Ziauddin Ahmad: May I ask whether these examinations are held every year or are they held only periodically?

The Honourable Sir James Crerar: As requirements arise.

Dr. Ziauddin Ahmad: Is it not desirable to hold the examination on fixed dates every year, irrespective of the fact whether there are vacancies or not. These are not competitive examinations.

The Honourable Sir James Crerar: I take note of the Honourable Member's suggestion.

RECRUITMENT OF MUSLIMS BY THE PUBLIC SERVICE COMMISSION.

822. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Is it a fact that the Public Service Commission is the only recruiting agency for the offices of the Government of India?

(b) If the Public Service Commission has failed to meet in full the requirements of the various offices in respect of the Muslim candidates, what steps do Government propose to take to assure the requisite supply of Muslims?

The Honourable Sir James Crerar: (a) Recruitment to the clerical staff in most of the offices at the headquarters of the Government of India is made through the Public Service Commission.

(b) 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.

RECRUITMENT OF MUSLIMS BY THE PUBLIC SERVICE COMMISSION.

823. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Is it a fact that the Public Service Commission notified 48 appointments in the Third Division for the competitive examination, but passed more than 100 candidates against those appointments?

(b) Was the number of passed candidates in excess of requirements determined by communal considerations? If not, why not?

(c) What is the communal composition of the first 48 passed candidates and of those passed in excess of that number?

The Honourable Sir James Crerar: (a) and (b). I would refer the Honourable Member to the reply given in this House on the 24th September 1931 to question No. 946.

(c) Of the first 48, 3 were Muslims, 4 were Anglo-Indians and 41 were Hindus. Of the others, 5 were Muslims, 4 were Anglo-Indians, 2 were Sikhs and 41 were Hindus.

Dr. Ziauddin Ahmad: May I repeat that if the examinations are held and dates fixed every year, all these difficulties will automatically disappear.

RECRUITMENT OF MUSLIMS BY THE PUBLIC SERVICE COMMISSION.

824. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Has the attention of Government been drawn to the following statement made in a letter published by the *Eastern Times*, Lahore, in its issue of the 14th December, 1931, in the name of Mr. Reynell, Secretary, Public Service Commission, concerning the 1931 examinations of the Commission:

"It is untrue that in the 1926 examination the qualifying marks were lowered in order to admit of the appointment of more minority community candidates."

(b) Is it a fact that the names of all the candidates who passed the 1926 examination were published in the *Gazette of India*, dated the 22nd March, 1927?

(c) Is it a fact that certain candidates who appeared at the 1926 examination but whose names were not published in the *Gazette of India*, dated the 22nd March, 1927, were subsequently appointed to permanent posts in the offices of the Government of India with the cognisance of the Public Service Commission, and that some of them are still permanently employed in those offices?

(d) Is it a fact that the marks obtained by the candidates referred to in part (c) above were less than those obtained by the candidates whose names were published in the *Gazette of India*?

(e) If the reply to part (d) above is in the affirmative, will Government please state whether Mr. Reynell's statement quoted in part (a) above is correct?

The Honourable Sir James Crerar: (a), (b) and (d). Yes.

(c) and (e). The position is explained in the reply given in this House on the 24th September 1931 to part (a) of question No. 947.

RECRUITMENT OF MUSLIMS BY THE PUBLIC SERVICE COMMISSION.

825. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Has the attention of Government been drawn to the following statement made by the Secretary, Public Service Commission, in a letter published in the *Eastern Times* of Lahore, dated the 14th December, 1931, in connection with the 1931 examinations:

"The Government of India decided that the proper course was to wait until the next examination to obtain qualified Muslims for places reserved for that community

and in the meantime to make temporary appointments of unqualified Muslims to vacancies for which Muslims had failed to qualify at the examination, the existing temporary incumbents being retained where that was desirable."

(b) Will Government please say how many unqualified Muslims have been recruited since the 1st July, 1931, in compliance with the above decision of the Government of India, and how many Muslims have been turned out from temporary posts during the same period, specifying, in each case, the offices by which such recruitment or discharge has been carried out?

(c) Is it a fact that in his letter referred to above, the Secretary, Public Service Commission stated that there was no possible foundation for the allegations made against the Commission about tampering with the answer books of the 1931 examinees?

(d) Will Government please state whether any enquiry was made in the matter, and if so, the methods by which it was ascertained that answer books had not been replaced and that correct answers had not been crossed through?

The Honourable Sir James Crerar: (a) Yes.

(b) The information is being collected and will be placed on the table when complete.

(c) Yes.

(d) At the first suggestion of tampering, a careful examination of the answer books was made, which showed that there was no foundation whatever for this allegation. The Commission took the same precautions in this examination as they do in all other examinations. They offered to give, and are still willing to give, any impartial person full facilities for investigation.

RECRUITMENT OF MUSLIMS BY THE PUBLIC SERVICE COMMISSION.

826. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Have Government seen a letter published in the *Eastern Times*, Lahore, of the 24th December 1931, in reply to a letter published in the same paper in its issue of the 14th December 1931, in the name of Mr. Reynell, Secretary, Public Service Commission?

(b) Is it a fact that the Public Service Commission did not reply to the allegations made against it in the letter referred to in part (a)?

(c) Will Government say whether the following statements occurring in the reply to Mr. Reynell's letter are correct:

"(a) There are about a dozen people who failed in the 1926 examination whose names are not included in the Home Department Notification No. F-166/27, dated the 22nd March, 1927, but who were subsequently declared qualified by the Public Service Commission for employment in the 2nd and 3rd Divisions and who at present hold permanent appointments in the offices of the Government of India."

"(b) The Home Secretary issued these orders on July 17, 1931, after receiving a deputation of Muslims, but the Commission did its worst to nullify these orders as it took full two months, I understand, in communicating them to the Army Department, who had reserved some 40 vacancies for the Muslims. How can the Commission then claim that it has played fair with the Muslim community? I may add for Mr. Reynell's information that the Army Department issued instructions on August 20, 1931, that is more than a month after the issue of the Home Department orders, that:

the vacancies reserved for the minority communities *must* be given to the Hindus. These curious instructions were cancelled on October 6, 1931."

(d) Are Government prepared to consider the advisability of making a full statement in the Press in regard to the action taken by the Public Service Commission after the 1926 examination?

The Honourable Sir James Crerar: (a) Yes.

(b) Yes, for the reasons stated in reply to part (b) of question No. 819.

(c) No. The facts are not as stated.

(d) Government have ascertained that at the outset no qualifying mark was fixed at all because only a limited number of vacancies was offered. When it was found that a sufficient number of candidates from minority communities to fill the vacancies reserved for these communities were not at the top of the list, the Commission went down the list, taking these candidates in order of merit. Eventually the question arose how far down the list the Commission could probably go; and a qualifying mark was then fixed for the first time. Thus the mark was not reduced in order to admit Muslim candidates. It was fixed for the express purpose of excluding unqualified candidates.

Dr. Ziauddin Ahmad: Is it not a fact that the fixation of the qualifying marks is a purely arbitrary problem and it would depend on the nature of the question paper and would vary from year to year?

The Honourable Sir James Crerar: The Honourable Member is asking for an expression of opinion.

Mr. Gaya Prasad Singh: Is it a fact that some candidates who failed to obtain the requisite number of qualifying marks were awarded additional marks in order to enable them to pass the examination?

The Honourable Sir James Crerar: I have no information of that kind.

Mr. N. M. Joshi: May I ask when Government observe certain proportions and reserve seats for a particular community, whether they also reserve a certain proportion for the working classes?

(No reply was given.)

RECRUITMENT OF MUSLIMS BY THE PUBLIC SERVICE COMMISSION.

827. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Is it a fact that the Public Service Commission recently suggested to the Home Department that the vacancies reserved by the different offices of the Government of India for the Muslims should be filled by candidates belonging to other communities, as Muslims had failed to pass the prescribed examinations of the Commission in sufficient numbers?

(b) Is it a fact that as a result of the Ministerial Selection Branch examination held in 1926, Muslims did not pass in sufficient numbers to hold the appointments reserved for them?

(c) Is it a fact that the Public Service Commission selected some of the failed Muslim candidates in 1927 to fill certain vacancies in the Government of India offices?

(d) If the reply to part (c) above is in the affirmative, will Government please state as to why similar action was not taken by the Commission in 1931?

The Honourable Sir James Crerar: (a), (b) and (c). No.

(d) Does not arise.

RECRUITMENT OF MUSLIMS BY THE PUBLIC SERVICE COMMISSION.

828. ***Maulvi Sayyid Murtuza Saheb Bahadur:** (a) Is it a fact that in connection with the 1931 competitive examination of the Ministerial Selection Branch the Public Service Commission notified that one vacancy in the First Division, one in the Second Division and fifteen vacancies in the Third Division would be reserved for the Muslims?

(b) Is it a fact that the Public Service Commission nominated two Muslims for the First and Second Division vacancies?

(c) Is it a fact that the Public Service Commission did not nominate fifteen Muslims for the Third Division vacancies?

(d) Do Government propose to consider the advisability of nominating Muslims for the Third Division vacancies on the same principle as was observed in nominating Muslims for the First and Second Division vacancies?

The Honourable Sir James Crerar: (a) The Public Service Commission notified that one vacancy in the First Division and 15 in the Third Division would be reserved for Muslims. One vacancy in the second Division was reserved for a member of a minority community.

(b) The Public Service Commission nominated 4 Muslims for the First Division vacancies and two for the Second Division vacancies.

(c) Yes; because that number of qualified Muslims was not available.

(d) The Commission observed the same principle for all three Divisions and would have nominated more Muslims for the Third Division if a sufficient number of qualified members of that community had been available.

RECRUITMENT OF MUSLIMS BY THE PUBLIC SERVICE COMMISSION.

829. ***Maulvi Sayyid Murtuza Saheb Bahadur:** (a) Is it a fact that the names of the candidates who passed the 1926 examination of the Ministerial Selection Branch of the Public Service Commission were published in the *Gazette of India*?

(b) Is it a fact that the Gazette Notification included a list of the members of the minority communities who had been selected in preference to members of the majority community with a higher number of marks?

(c) Is it a fact that the Gazette Notification stated that the list referred to above could be added to if the demands were received for candidates belonging to communities unrepresented or not adequately represented in the various offices of the Government of India?

(d) Is it a fact that the Public Service Commission added to the list in 1927 and declared qualified a number of candidates who had failed in the 1926 examination?

(e) Do Government propose to consider the advisability of taking similar action to make up communal inequalities in connection with the 1931 results?

The Honourable Sir James Crerar: (a) to (c). Yes.

(d) and (e). I would refer the Honourable Member to the reply given in this House on the 24th September, 1931, to parts (a) and (d) of question No. 947.

RECRUITMENT OF MUSLIMS BY THE PUBLIC SERVICE COMMISSION.

830. ***Maulvi Sayyid Murtuza Saheb Bahadur:** (a) How many candidates passed the competitive and qualifying examinations, respectively, of the Public Service Commission (Ministerial Selection Branch) held in 1931, and what was their communal composition?

(b) Will Government please state:

(i) the number of candidates who were recruited to fill temporary, officiating and permanent vacancies in the Departments of the Government of India and their subordinate and attached offices during the period, 1st May, 1931 to 31st January, 1932; and their communal composition; and

(ii) how many of the candidates referred to above were "passed" men and how many of them were nominated by the Public Service Commission?

(c) Is it a fact that there are no passed Muslim candidates available with the Public Service Commission for employment in clerical establishments of the Government of India offices?

(d) If so, what steps do Government propose to take to assure a supply of Muslim candidates?

(e) When do the Public Service Commission intend to hold the next examination of the Ministerial Selection Branch?

The Honourable Sir James Crerar: (a) The number of candidates who passed the competitive and qualifying examinations for the typist and routine grade was 100 and 25 respectively. Their communal composition is as shown in the statement laid on the table. No pass standard was fixed for the examination for 1st and 2nd Divisions.

(b) The information is being collected and will be furnished to the House in due course.

(c) Yes (except one candidate who desires appointment of a kind which is not available), in respect of the typist and routine grade only.

(d) The manner in which it is proposed temporarily to get over the difficulty has been stated in reply to previous questions. Government hope that a permanent solution will be found in the entrance of Muslim candidates with high qualifications for the various competitive examinations so that there will be no difficulty in obtaining qualified Muslim candidates for the places reserved for them. I hope the Honourable Member and other influential Muslims will assist in this respect by encouraging candidates to enter.

(e) The Commission are not now in a position to say when the next examination will be held.

Communal composition of candidates who passed the 1931 competitive and qualifying examinations for the typist and routine grade.

Competitive Examination—

Hindus	79
Muslims	8
Sikhs	2
Jains	3
Anglo-Indians	8
	100

Qualifying Examination—

Hindus	18
Indian Christians	1
Anglo-Indians	3
Sikhs	1
Muslims	2
	25

THE RAILWAY SYSTEM OF ACCOUNTING.

831. *Dr. Ziauddin Ahmad: (a) Has the attention of Government been drawn to the article under the heading "The balance sheet of Indian Railway and Railway system of Accounting" published in the *Indian Accountant*, Lahore, dated December, 1930 (pages 85-86)?

(b) What action do Government propose to take on the points raised in the article?

Mr. P. R. Rau: Government have not seen the article referred to but my Honourable friend has promised to send me a copy of the article and I shall have the question examined.

Dr. Ziauddin Ahmad: Will my Honourable friend try to get a copy from the Public Information Office?

Mr. P. R. Rau: I believe, Sir, that the article my Honourable friend is referring to was not among those circulated to the Railway Board by the Director of Public Information.

Dr. Ziauddin Ahmad: Did he try to get a copy?

Mr. P. R. Rau: I suppose the office did; but I cannot say definitely.

Mr. M. Maswood Ahmad: Do Government want to get a copy now?

Mr. P. R. Rau: My Honourable friend has already promised to supply me with a copy, Sir.

RE-EXAMINATION OF CERTAIN TRAVELLING TICKET INSPECTORS.

832. *Dr. Ziauddin Ahmad: (a) Is it a fact that the Superintendent of Allahabad Division has issued a circular demanding that the T. T. Is., who had already passed the Departmental examination before their confirmation, should appear again in the said examination?

(b) Have such instructions been issued by the Superintendents of other Divisions in the East-Indian Railway?

Mr. P. R. Rau: I have called for certain information and will lay a reply on the table in due course.

Dr. Ziauddin Ahmad: May I just ask that as the examinations are announced by the 15th of April, he will kindly complete his enquiry before the examinations are actually held?

UNSTARRED QUESTIONS AND ANSWERS.

OCCUPATION OF POST OFFICE INSPECTION HOUSES BY A DEPUTY POSTMASTER GENERAL.

186. Mr. Muhammad Anwar-ul-Azim: (a) Is it a fact that Mr. R. F. Kalberer, Deputy Postmaster General, United Provinces Circle, occupied the Post Office Inspection house at Allahabad on several occasions and more recently in February, 1932, but did not pay any rent for the occupation as required by the rules?

(b) Is it also a fact that Mr. Kalberer and his wife, who was then working as Assistant Postmaster General, while on leave occupied the Post Office inspection quarters at Mussooree about the year 1929 for over a month and a half and paid no rent for them?

(c) If so, what action has been or is proposed to be taken by Government in the matter?

Mr. T. Ryan: Replying to questions Nos. 186 to 190, together: an enquiry has been instituted and when their information is complete Government will take such action as may be necessary.

CONTRACTS FOR THE CONVEYANCE OF MAILS IN THE DEHRA DUN AND JHANSI POSTAL DIVISIONS.

†187. Mr. Muhammad Anwar-ul-Azim: (a) Is it a fact that during the last few months a number of contracts for conveyance of mails in Mr. Kalberer's range in Dehra Dun and Jhansi Postal Divisions were given without calling for any tenders, and is it a fact that this is known to the Director General, Posts and Telegraphs?

(b) If so, what action has been taken in the matter?

CONTRACTS FOR THE CONVEYANCE OF MAILS IN THE DEHRA DUN AND JHANSI POSTAL DIVISIONS.

†188. Mr. Muhammad Anwar-ul-Azim: (a) Is it a fact that the contract for conveyance of mails in Dehra Dun was given to one Tewari on Rs. 700 a month in the face of a lower tender for the same work of about Rs. 340 a month only?

(b) Is it a fact that the lower tenderer sent a telegram to the Director General and asked for an enquiry into the case?

(c) Will Government state whether they are prepared to investigate into the *modus operandi* of this and all other tenders for the conveyance of mails in Dehra Dun, Jhansi and Aligarh Divisions and Agra head office during the last twelve months?

†For answer to this question, see answer to unstarred question No. 186.

(d) Were the notices calling for tenders issued in the name of the Postmaster-General in all cases? If not, why was this Deputy Postmaster-General allowed to put his name in any case?

EAST INDIAN RAILWAY PASSES ISSUED TO THE DEPUTY POSTMASTER GENERAL, UNITED PROVINCES CIRCLE.

†189. Mr. Muhammad Anwar-ul-Azim: (a) Is it a fact that the East Indian Railway have issued third class passes to the Deputy Postmaster General in the United Provinces Circle and when asked have informed the Postmaster-General that their action in issuing 3rd class passes was due to the fact that a Deputy Postmaster-General misused the first class pass?

(b) If so, who was this Deputy Postmaster General and in what way did he misuse the pass?

RECRUITMENTS IN THE UNITED PROVINCES POSTAL CIRCLE.

†190. Mr. Muhammad Anwar-ul-Azim: (a) Is it a fact that during the month of February, 1932, 26 new recruits have been appointed in the Circle Office at Lucknow out of whom only one belongs to the minority community?

(b) Is it a fact also that three of these recruits have passed only the primary examination?

(c) Is it a fact that approved candidates who are graduates and who have been candidates for the last three or four years have protested to the Postmaster General against these recruitments in total disregard of their superior qualifications and claims?

(d) If so, will Government state what action they propose to take to redress the grievance? Had Mr. Kalberer, Deputy Postmaster General, United Provinces Circle, anything to do with this recruitment?

THE GENERAL BUDGET—LIST OF DEMANDS—contd.

DEMAND No. 28—EXECUTIVE COUNCIL—contd.

Avoidance of Income-tax.

Mr. John Tait (Burma: European): Sir, I move:

"That the Demand under the head 'Executive Council' be reduced by Rs. 100."

My object in moving this cut, is to call attention to what we consider to be the inadequacy of the remarks of the Honourable the Finance Member in his Budget speech when referring to the very important question of income-tax evasion. Honourable Members will remember that on the occasion of the debate on the Supplementary Finance Bill, this Group called the attention of Government to the widely held view that evasion or avoidance of income-tax was rampant throughout the country; and in the speech[†] I delivered on that occasion I put forward the theory—not to prove any specific case or cases of evasion or avoidance of income-tax,—but

[†]For answer to this question, see answer to unstarred question No. 186.

attempting on broad lines to show that there existed a disparity as between provincial assessments of such arresting dimensions as to compel the inference that there could be no other explanation but that evasion or avoidance of income-tax was prevalent amongst a very large section of those liable to taxation or, what amounts to the same thing, that there was inefficiency in assessing the tax by the department concerned.

Now, while it never was claimed that the figures submitted absolutely established evasion or avoidance of income-tax to the extent deduced, the case was in our view sufficiently clearly delineated to warrant the conclusion being drawn that an enormous loss of revenue to Government from non-assessment or under-assessment of income-tax was in fact being experienced, not only to the disadvantage of the country's revenues at large, but in particular to the detriment of those tax-payers who always have, and who continue to meet their legal liabilities. It was therefore urged by those whose interests we on these Benches represent that it was up to Government to examine in the closest detail the case we had propounded, on the supposition that the deduction drawn from the figures reflected what either in whole or in part was the true state of affairs existing in the country.

Sir, we were afforded much encouragement by the promise of the Honourable the Finance Member in the reply he gave us in November last. He promised then that he would inquire into the figures with the object, in his own words, of finding out how near the truth we had got and not for the purpose of proving that we were wrong; and that, Sir, is all that we have asked for. We expected to be told at this time, after the lapse of four months, what had resulted from that inquiry. Did our figures really provide a reasonably accurate picture of the true state of affairs with regard to the provincial assessments, or did they under microscopic examination prove nothing at all? Did a comparative analysis of all the figures show that the assessments on business profits and on properties in some provinces produce less proportionately than the same assessments in other provinces, considering all the connected circumstances of each, or did the figures prove so nebulous as entirely to fail to justify any change in the official opinion towards this disputed question of evasion or to bring that opinion more into line with the very definite views on the subject held generally in Mercantile Circles? And I put it to the Honourable the Finance Member, does he honestly think that the indefinite reference to this very serious question in his Budget speech was an entirely adequate answer to the case we had put forward? Sir, if Sir George Schuster could shed the restraint of officialdom for a moment and assume again that matter-of-fact attitude of mind to which I am sure he was accustomed in many a Board room in the past, I do not think there could be any doubt as to what his answer would be. That, then, Sir, is the business community's complaint. We want to be told quite frankly and clearly whether Government agree that very serious avoidance of income-tax is widespread in the country today; and if they do so agree, can they give us a clear assurance that every step, and entirely adequate steps, will be taken with the least possible loss of time to remedy the position?

Sir, the Honourable the Finance Member complains in his speech that no specific instances of evasion have been put up to him, and I put it to him, does he really expect us to put up any specific case or cases of evasion? And if we had been able to put up any specific case or cases of evasion,

[Mr. John Tait.]

what, I ask, would the country or he himself have thought of his own department? For surely nobody outside that department should be in possession of such confidential information as to be able to put up specific cases of where a man was under-assessed or not assessed at all to income-tax. If anybody became in possession of such information in the course of professional connection with the persons concerned, does he really think that that person would be free to disclose such confidential information? On reflection, Sir, I suggest to the Honourable the Finance Member, he will agree that he has no right to expect any such information from outside. As regards suggestions for remedying the irregularities, here again I do not think the Honourable gentleman can complain, for, in point of fact a great number of suggestions were put up to his Department here in November last and since then in other places and we must assume that all such suggestions have eventually reached his table. I do not therefore propose to review such suggestions, because it is obvious that matters of such detail can be dealt with much more conveniently elsewhere than on the floor of this House. But I would only mention what is perhaps our most important suggestion, and that is that a small expert Board consisting of two or three Members, which may or may not be wholly official, but in any case should be unquestionably highly qualified, be appointed, and that they should visit each centre to examine the effectiveness of the assessments in each circle. That is our basic suggestion, for we are confident that on the facts which an unhurried penetrating survey by that Board would bring to the light of day, a much more effective administration of income-tax assessment could be built up.

It may well be that many of the suggestions which have been submitted are not considered practical in all the circumstances. We do not know if that is so but we have no shadow of doubt that all of them are not impractical, and that an application of even a few of them would unquestionably effect very marked improvement in the existing unsatisfactory state of affairs. It may be also that the proposed action so mysteriously inferred in the Honourable the Finance Member's speech will do all that the position calls for at the present time. But, Sir, the inherent vagueness of the remarks quite frankly leave the mercantile community with an uneasy feeling that the position is not really appreciated and that very little is likely to be done. Rightly or wrongly, we are constrained to believe that the department does not accept the view that evasion or avoidance is nearly as extensive as most non-officials are convinced it is, and quite possibly the department cannot appreciate why we here are pressing this question at this time. But in the non-official view there is no alternative but to press for the relief we seek, when it is remembered that our case, if it is as well founded as we are convinced it is, really means that those of us who are to-day paying Rs. 300 a year as income-tax should only be paying about Rs. 200, and that those who are paying Rs. 1,500 a year, should only be paying about Rs. 1,000 a year, and that those firms which are paying Rs. 9 lakhs a year are really paying 3 lakhs too much because somebody else is avoiding taxation and paying nothing at all. The most urgent claim both on our sympathy and on our consideration however is of those unfortunate people whose salary is Rs. 1,000 a year or Rs. 83 a month, who would be freed from the taxation which we subjected them to in November last under the present financial emergency. Speaking for myself, I can frankly say that, amongst a host of objectionable

items in the Finance Member's Supplementary Bill, this feature whereby the minimum taxable income was reduced from Rs. 2,000 to Rs. 1,000, was the feature which caused me the greatest misgivings.

There is one thing more which I wish to say. In replying to me last November, the Honourable the Finance Member, in his own words, generated considerable heat in the defence of his department, and no one will blame him for that. But—and I should like to make this perfectly clear—there was not then and there is not now any suggestion in my remarks attacking the honesty of his department. I have no reason whatever to think that the integrity of the members of the Income-tax Department stands any lower than the very high standard which makes the Civil Service of India as a whole the admiration of the world. We do claim, however, that there is something very definitely wanted in the effectiveness of the assessment of income-tax. We believe the fault lies in the system and, in the absence of adequate powers, more than in the actual working of the department. But whatever the cause, we do appeal to Government to do everything that may be necessary to put matters right.

Sir, I move.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, when I read the cut motion I thought that my friend Mr. Tait would say that there was a great deal of evasion of income-tax, but when I heard his speech I felt that he had a good deal of sympathy with those who are heavily taxed especially on account of the lowest limit of income-tax having been reduced to Rs. 1,000, and also he had a great deal of sympathy for a rebate of taxes. I think every one of us who is a human being would like to show sympathy with those who evade payments. When my friend Mr. Tait travels in a first class compartment and some stranger tries to get in, he tries to stop the gentleman from coming in and thereby the Railway Company loses its income and there is thus the evasion of railway dues. Then, Sir, the other day, when a certain income-tax Bill was introduced by my Honourable friend the Finance Member by means of which he wanted to tax all foreign investments, all my friends on my left were against it. That is also a sort of evasion of payment of income-taxes. Sir, being human, we all want to evade taxes, but I had thought that I would hear from my friend, Mr. Tait, a tirade against such evasions. Those who evade payment of taxes are not certainly moral wrecks. I find that my friend did not hold that view. It is human nature to evade income-tax, and it cannot be avoided. I had thought that this token cut was a vote of censure on the Government or on those who evade taxes, but his speech has not brought out that point at all. My Honourable friend expressed a good deal of sympathy with those who evade taxes, and I too express a good deal of sympathy with those who try to evade, because Government impose such taxes as they like and the tax-payer has no say in the matter. So, rightly and naturally, there is a desire on the part of every one to evade those taxes. Then, taking into consideration the fact that to-day the tax-payer is heavily taxed, naturally there would be such evasions. On the other hand, one aspect must be recognised that the low grade Income-tax Officers exercise too much control and recover extra taxation and cause lots of annoyance in the country side. Since the recruitment of the new staff by the Finance Department to collect all additional income-taxes, I think the police are held in as much terror as the income-tax officers are feared in the districts. The Finance Member himself knows that at present there

[Mr. B. Das.]

is very little trade in the country, but the newly recruited Income-tax Officers want promotion. So they want to show that they can increase the amount of receipts of the income-tax, of the district by so many lakhs of rupees. So they go to the shops of every *Panwala* and *Biriwala* every oilman and grocer and tell them that their income is something like Rs. 5,000. These poor people have no accounts and it is their wives and children who sell the *pans* and the *biris* and eke out a bare living.

These are cases where these people are going to be taxed through over-zealousness. In spite of my being hauled up under some sort of an Ordinance, that I am assisting a certain party in evasion of taxes, I will rather help that party whenever that man's income is Rs. 500 a year and the Income-tax Officer assesses him at having an income of more than Rs. 1,000. So I think this debate coming on the floor of the House at least teaches us one lesson. I do hope it will make the Honourable the Finance Member a little more humane and he will ask his Income-tax Officers and the Central Board of Revenue to be a little bit more human and not to apply the income-tax rules too strictly to those whose incomes are very low and who may not have paid income-tax unless an over-zealous Income-tax Officer evaluated and assessed their income at Rs. 1,000 or more.

Sir Hugh Cocke (Bombay: European): Mr. Das said that it was human nature to evade income-tax. Well, I do not know that I should like to agree with him that it is human nature to evade income-tax, but it is certainly human nature to avoid income-tax, but still I accept his statement with his great knowledge of India. I accept his statement as applying to India. That being the case, I think it is very strong support to the fact that there must be very extensive evasion. I remember once a young man about to enter life and he was considering whether he should become an Inspector of Taxes in the United Kingdom and some one who was advising him said, "There is a great field in the future for Inspectors of Taxes because it is said that if everybody paid the income-tax they should, there would be no other taxes at all." That probably was something of an exaggeration and it is certainly not true today in the United Kingdom. But to what extent it is true in India, I should have very grave doubts. I have no doubt in my mind whatever that there has been tremendous evasion, mostly from the small merchants and shopkeepers. Mr. Das says that it is human nature. Well, whether it is human or not, I do not know, anyhow it is a very natural thing not to announce your profits and not to go out of your way to have your income assessed. Therefore I suppose that it is a natural process for the ordinary small shopkeeper and merchant, of whom there are thousands and thousands in India, to evade assessment to income-tax. Now that the limit has been reduced from Rs. 2,000 to Rs. 1,000, of course it will be very much more serious. Many more thousands of people are now to be drawn into the net and it is a question how many and what proportion of the total can be brought in. It is with this object in view and that of trying to tighten up the administration, that this matter was raised last November and is raised again to-day. We have been asked to make constructive suggestions. First of all, we have been asked to prove our case. That I think is impossible to prove with facts and figures, but I think by inference it is self-evident, and I think Mr. Das

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remark that it is human nature to evade income-tax is a sufficient indication that no one will deliberately return his profits to assessment unless he is forced to do so and if he is forced to do so, so far as he can in accordance with his conscience, if he has a conscience, he will naturally minimise his profits. Another fact which causes the profits to be minimised in the commercial world is undoubtedly the fact that there is no allowance for losses. When a man makes a lakh of rupees, he says, "I may make a loss of a lakh of rupees next year and therefore I must reduce this year's profit of a lakh of rupees by every means I can to a smaller figure so that I may not be mulcted in income-tax on a large figure this year when I get no redress for making a loss next year. Coming to the actual suggestions, many people have been thinking about this subject during the last few months, and certain suggestions have been put up which I think would bear mention in this House. One is the fact that to-day there is no obligation upon anybody, any private trader or individual to send in a return unless he is called upon to do so by the authorities. I think the time has come to take up this suggestion. The point was debated by the Select Committee that sat on the Income-Tax Bill in 1921. They decided that, having regard to the state of India then, the state of education and general learning, it was not possible to make it obligatory upon every individual to file his return whether he was asked to or not. But I think the time has come now when it should be made incumbent upon an individual to do that. It would place the authorities in a much stronger position because anybody who has not sent in his return is supposed to know the law and he is supposed to know that if his profits or income exceed Rs. 1,000 he ought to have sent in his return, and ignorance of law is no defence. That is a very important matter which requires attention from the authorities.

Then, there is another point about income-tax prosecutions. Any one who has been reading the English papers for the last five years will be struck by some almost famous cases which have been brought into the courts and they are of well known men who have swindled the income-tax authorities for many years and who have received sentences. These cases naturally make other people, who have been doing the same, very nervous, and possibly it makes them declare with perfect correctness their figures which they have not done in previous years. I am told that certain prosecutions have been launched in India but that the fines inflicted have been so trifling, in fact much less than what the income-tax authorities could themselves have imposed, that it has not been worth bringing other cases. Well, publicity ought to be very useful in this matter, and I hope that public opinion may force the courts to take a more serious view of these cases and to impose heavier fines, and in that way to make people return their incomes correctly who have not done so in the past.

Then there is the further point as to whether more inspection should not be done from headquarters. After all you can easily have a certain number of experts attached to your Income-tax Department, who in the light of their experience gained in Bengal, can go to Madras or Bombay and use that experience and possibly show up lines of assessment which are not appreciated locally. Take a bookshop. The experience in Bengal may be that an average bookshop in the bookshop locality makes a certain figure as profit. Possibly that man goes to Madras and finds that similar bookshops are not being assessed on the ground that their income is not large enough to be assessed. That experience of experts going round the

[Sir Hugh Cocke.]

country may assist to show up irregularities in the income-tax administration of particular provinces and would be a great moral check on the personnel of the Income-tax Department, as they would know that there would be some one coming along once or twice a year, who was a great expert in his subject, and who would pounce on a given street and ask why bookshop No. 171 had not been assessed, or why only assessed at so much, when its turnover must be so and so. These are the sort of things in which experts travelling round the country from headquarters could assist. I should be very interested to hear from the Honourable the Finance Member how they have been thinking on this matter in the last few months and what steps they have in their mind. It must be obvious, I do not think it can be denied, that now that the income-tax limit has been reduced to one thousand rupees, evasion will be far more serious than it has ever been before, that is to say, as regards the number of cases,—whether it will be in the actual revenue is another matter. Therefore I think this matter should be ventilated and any step possible to bring in the correct amount of tax from individuals should be pressed.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, the Honourable the Leader of the European Group was saying that Mr. Das was speaking in favour of the evasion of income-tax.

Sir Hugh Cocke: That is rather an exaggeration. I merely said that in his view it is human nature to evade it.

Mr. C. S. Ranga Iyer: I am glad the Honourable the Leader of the European Group has generously removed the wrong impression that I at any rate had about his speech and perhaps some others also on this side of the House. Because I think nobody would stand up on the floor of the House and no responsible man would say out in the country that any one should evade the income-tax. As a matter of fact, I do not think there can be any controversy about the stated object of the motion that the European Group has moved today. I think Government themselves will welcome a motion of that kind because it is calculated to strengthen their hands. But the only objection that I have to that motion is the plea that the Honourable the Leader of the European Group put forward, namely, that there should be a severity of punishment for evasion which he says there has been in his own country. I am quite willing to admit that England is one of the most heavily taxed countries in the world; it is also a well-known fact that England is also one of the most educated countries in the world; it is also a well-known fact that England is one of the richest countries in the world; and most important of all, it is worthy of note that England is a country which is governed by Englishmen and the Government is responsible to the people and the taxes which are put upon the people are put with the people's own consent. On the floor of this House we rejected the Finance Bill, and with the power which is not shared by the people that England has in this country, the Finance Bill was certified. If the House of Commons had rejected the Finance Bill, Englishmen would have had to go and consult their people in a general election and a new Government would have come into existence. Therefore, Sir, I would ask the Honourable the Finance Member not to take the very mischievous advice of the Honourable the

Leader of the European Group and chastise those who evade income-tax not only with whips but with scorpions. That is what the Leader of the European Group implied when he said that the fines were trifling. He wants very severe punishment; he wants sharp exposure of the offenders. All that will come when power is transferred from that side to this side. Till then, I will only ask the Finance Member to secure our moral sympathy and support against the evasion of income-tax, but not to tax the tax-payer with a heavier tax, namely, a savage punishment for evasion. That would be a disastrous thing when the Government have no responsibility whatever and when the House has given them no power to tax the people.

* **Mr. H. P. Mody** (Bombay Millowners' Association: Indian Commerce): Sir, the issue before the House is of such a simple and straightforward character that I do not think there need have been any disagreement amongst ourselves. There is no doubt about it that a great deal of evasion of income-tax takes place. My Honourable friend Mr. B. Das said that it was a very common every-day affair.

Mr. B. Das: I did not say that.

Mr. H. P. Mody: He said it was human nature to do it. I entirely agree

Mr. B. Das: Do you want to pay any income-tax on your foreign investments?

Mr. H. P. Mody: I think this interruption was unnecessary, because I was going whole-heartedly to agree with my Honourable friend. As a matter of fact I have already said on the floor of this House that many people regarded it as a sort of religious duty to dodge the income-tax collector. And whether it reflects upon human nature or not, I think I was stating what was an absolute fact. I cannot say that I personally know of a great many people who do that, but I have not the least doubt that a very large number of people exist who think it morally right and justifiable that they should try and escape the clutches of the income-tax collector. That being so, the only question that arises is whether Government propose to take any action, and if so, what. My Honourable friend who moved this cut referred to the speech of the Finance Member in reply to his general observations last year, and he said that the Honourable the Finance Member had generated a certain amount of heat. Well, Sir, I also was unable to follow the Honourable the Finance Member in his observations last year. It is no reflection upon the Income-tax Department. After all you must remember that there are a great many people who are out to cheat the income-tax authorities and who have resources and who probably know the rules of the game better than the income-tax people. And therefore it is no reflection upon the income-tax authorities that a certain number of people should escape them, and I do not think that my Honourable friend the Finance Member should take it as a reflection upon those people who are running the income-tax law in this country. And therefore this is an issue which in my opinion ought to receive a very sympathetic consideration from the Finance Member. When however, the Finance Member in his Budget speech this year said that he had received very little advice or guidance from those people whom he had openly invited to assist him in this matter, I think he was right. The fault however is not altogether with the leaders

[Mr. H. P. Mody.]

of commercial opinion in this country. So far as I am concerned at any rate and people in Bombay are concerned, the Finance Member was going to that city and those people who were arranging his programme had asked a number of people to appear before him and to assist him with whatever they thought was reasonable in this matter. I at any rate was willing to appear before the Honourable the Finance Member, but he did not turn up and I have not the least doubt that when he tours the principal cities of India next time, when he goes to Calcutta, Madras and Bombay, he will find a few people at any rate who will be able to tell him something about the way in which income-tax is evaded and how the control can be tightened up. The Mover of the cut, my Honourable friend Mr. Tait, suggested the appointment of a committee, not necessarily of officials but of at least people who know something about this business, and I think it is a suggestion which might be carefully adopted in this connection. After all, the income-tax authorities may not be the best people to judge how far the tax is being evaded and what measures should be adopted for the purpose of getting round that evasion. Some commercial men, if they are associated with the income-tax authorities, might be able to give a hint or two which may prove very useful; and therefore, Sir, I submit that the suggestion of my Honourable friend ought to be received with considerable sympathy by the Government Benches.

As regards the observation of my Honourable friend, Sir Hugh Cocke, while it is true that in England the law is much more severe upon people who dodge the tax there than it is here, I entirely agree with what my Honourable friend, Mr. Ranga Iyer has said in that connection. I am not saying that because England is a richer country and India is a poorer country, therefore the people are justified in evading the tax and in escaping this light punishment. That is not the point of view. I take his point of view to be, and that is a point of view with which I am in agreement, that owing to ignorance a great deal of evasion may take place which is not necessarily criminal in intent; and therefore before the machinery of the income-tax law is tightened up and more severe punishment is meted out to defaulters, a great deal of circumspection requires to be exercised. Therefore, Sir, I hope that this motion before the House will not be construed as arming the authorities with larger powers of meting out punishment to defaulters, but as conveying to them the deliberate opinion of this House that a great deal of evasion is taking place and that the Government, with all their resources, might look into that question and in their examination of it they will be certainly entitled to assistance from those people who know something about the administration of the Income-tax Act.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, may I say a word in this connection? I am speaking about the condition of affairs in the villages and not in big towns like Madras, Calcutta, Bombay and other places. Before the introduction of the reforms and income-tax became a central subject, income-tax was recovered through the agency of the village headman and other revenue authorities. I remember in my place the village headman forwarded a list of people liable to be assessed to the Revenue Inspector; both the village headman and the Revenue Inspector knew more or less intimately about these people, and if they had any grievance they had naturally the right of making their representations to the Tahsildar. The

Tahsildar who was very often a native of the taluq also knew the conditions of the people and so there was no trouble at all. Avoidance of payment was a good deal less in those days. After the centralisation of income-tax a separate agency was created. As a matter of fact now in my place there is an Income-tax Officer stationed at Palghat for three taluks. This Income-tax Officer whose jurisdiction is wider than a revenue division has got only his establishment in his head office. There is no one who is in contact with the people to help him. I really do not know who sends him the list of people of the remote villages who are liable to pay income-tax. My own conjecture is that he gets his information from all kinds of people, with the result that there is a good deal of avoidance or evasion of payment of income-tax. Another aspect of the question is this: it would be considerably cheaper to go back to the old arrangement. The village officer, the Revenue Inspector, the tahsildar the Divisional Officer and the Collector are all paid more now than in the old days, though much of the work they were doing before has been released and taken away from them. Formerly the Collector was in charge of the District Board, salt, income-tax and other things, and he is not likely to demur to take up the income tax administration also. So the best way to manage income-tax in the districts is to revert to the old system; and it will save a good deal of expense also. Probably the Local Governments might want a contribution for managing this branch of the administration; and it is but well and proper that a certain amount should be given to them. I command this suggestion for the consideration of the Government.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, when my friend, Mr. B. Das said that there was a human tendency to avoid income-tax, I expected he would be liable to be misunderstood in this House, and the Honourable the Leader of the European group was not slow in giving expression to my expectation. I do not think he has interpreted correctly what Mr. Das meant when he said that. What Mr. Das said was that on account of the over-zealousness of the Income-tax Officers they levy income-tax indiscriminately and some of those persons who do not have any taxable income are on that account brought under their purview, and hence there will be a tendency to escape such inhuman and unjust taxes. I think that was what he meant when he made that statement; and it is exactly so. When my friend the representative of the millowners Association, Mr. Mody, supported the statement that there was a good deal of evasion of income-tax in this country, I do not think he said that with any knowledge of those income-tax assesses who come under lower grades of incomes. I think perhaps he spoke on behalf of the class or interest which he represents, that is, the millowners. It may be that they are out to escape the income-tax, and for that I invite any rigorous application of rules from the Government. I will support Government in their endeavour to prevent that; but when he wants to talk about other income-tax assesses who come under lower grades, I enter a caveat. My friend may laugh at me but it is a fact, and I will be supported by any one who knows anything about the working of the Income-tax Act in the interior villages, that many of those who do not earn that amount of income also come under its purview. What the income-tax assessing officers do is just to issue notices to some persons about whom they have got some private information that they earn some income and assess them to income-tax and ask them to produce their accounts and other information. Generally, these small shopkeepers and others do

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not keep any accounts, and so when they come to the Income-tax Officer and say that they do not maintain any accounts, they are assessed arbitrarily and the amount has to be paid; and once they come within the tax, it continues whether they continue to get any income or not. Once an assessee always an assessee—Naturally these people being illiterate, even though they have to pay from year to year, they are not able to maintain any accounts as required by the Act; so it is more of exaction than of evasion that we have to deal with. Instead of stressing that aspect the whole debate has taken an one sided affair, that is, regarding the evasion of income-tax. Now that the minimum incidence of the income-tax has been lowered, it is all the more necessary that we should confine ourselves to the question of exaction rather than evasion, because a larger number of persons will come under the purview of these Income-tax Officers; and so it is all the more necessary to see that there should be no exaction. But not a word has been said about exaction so far, by any of the previous speakers are concerned. Everything has been said about evasion alone. For instance, take an individual, the motor bus owner: no doubt he gets 5 or 6 or even 10 rupees a day on his bus service. But look at the expense: he has to pay not less than Rs. 1,000 as tax to the Government per year and about 6-8-0 per seat to the District Board; also he would have borrowed amount for the purchase of the bus itself; he does not keep any account of all these things: in addition he has to pay interest and the pay of the conductor and driver and running charges; he does not keep an account of all these things. What the Government looks at is that he earns so much per day, and therefore he comes under that category. I say therefore that there will be more cases of exaction than there have been heretofore. I do not deny the fact that there may be cases of evasion; but it is very easy for the officers to check the accounts and statements in the absence of accounts, and if they find that the accounts or statements are not correct then they can investigate them and bring defaulting people to book. But at the same time you must take note of this fact also namely exactions.

My Honourable friend the Leader of the European Group said that the punishment for defaulters is not so rigorous in this country as it is in England. That has been sufficiently answered by my friend, Mr. Ranga Iyer. There are also other reasons. In England the tax is levied on most humanitarian grounds. They levy income-tax on a person after giving allowance for his maintenance, for the maintenance of his wife and children, and if there is any dependant, they make allowance for him also, and tax him on the extra income if there is any. So there is no reason why he should evade the payment of income-tax, whereas in

12 Noon. India Government do not take any notice of the circumstances of an assessee, they do not take any note of the peculiar social customs of the people nor of the large joint family system under which only one member earns while there are a number of dependants on him. He may have a number of children and a number of daughters to marry for whom he may have to give large amounts by way of dowry and also incur huge marriage expenditure,—all these things the Income-tax Officers do not take into consideration, and in assessing an individual they will not make any deductions for all this expenditure. That is one thing.

Then with regard to companies, here also they do not make any allowance for losses in the previous year, and if the assessee gets a little income

the next year within the assessable limit, then he is taxed. So I submit, Sir, that you should not apply the rule so rigorously in this country as you do in England where the conditions are altogether different.

Further, Sir, here the appellate authority and the authority who levies the tax is one and the same person or rather the same department, whereas in England the appellate authority is quite different; the representatives of the people of that county namely, Income-tax Commissioners will sit as an appellate authority, and so there is not so much rigour, in England. Therefore, Sir, for all these reasons I oppose the Motion moved by my friend and also in view of the fact that the actual facts are quite different from what the Honourable the Mover has stated.

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam: Non-Muhammadan Rural): Sir, I am largely in agreement with the remarks made by the Honourable gentleman who has just sat down. I do admit that the avoidance of income-tax is bad, but I must at the same time say that unjust imposition of income-tax is worse. There is no judicial control over these assessments. A Bill is now awaiting introduction in this House to which most of the Members of the Opposition have appended their signatures, and unless and until we are satisfied that the assessments have been properly made, and unless there is a guarantee that those assessments would be capable of being reviewed by a judicial tribunal, I for one, Sir, can never have any sympathy for the proposition put forward which would merely strengthen the arms of the executive. I know, Sir, that there may be here and there cases of avoidance of income-tax, but to say that there is a large number of such cases is not to pay a compliment to income-tax officers. At the same time, I know for a fact that there are several cases where unjust imposition has been made without any redress. There was one case recently where a tax of a lakh of rupees was imposed on a man and the man being unable to pay the Income-tax Officer had to negotiate for the sale of his estate. There was also another case in which a heavy tax was imposed on a man and he had to file a petition to declare himself insolvent. Several instances of that kind can be multiplied, and I am surprised that my Honourable friend Mr. Mody had no sympathy . . .

Mr. H. P. Mody: It is entirely beside the issue.

Mr. B. Sitaramaraju: It is not entirely beside the issue, because when you say that there is an avoidance of income-tax, if you do not at the same time admit that there is in very many cases injustice done by way of imposing heavy taxation, that would be avoiding a material point in issue. I for one am not prepared to support any proposition which would go to support the arms of the executive unless such judicial control is accorded to us.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I did not intend to take part in this debate, but I should be failing in my duty if I did not inform the Members on this side of the House what are the implications of the motion moved by Mr. Tait. I should have expected that, after the lucid eloquence on the last occasion when he indulged in generalities and avoided specific recommendations, he would be content with the assurance that was given to him by the Finance Member, but now that he has returned to the charge with the same vagueness, with

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the same generalities and with no constructive suggestions, I feel surprised whether the Honourable gentleman has not contracted some sort of monomania or, shall I say, magalomania for evasions and avoidance of this tax. May I remind the Honourable the Mover of this Resolution that the question of avoidance or evasions is not really germane to income-tax. We have the customs duties, and I am quite sure that the Honourable gentleman when he goes to England, opens a closed box of cigars because he finds that an open box is not liable to customs duty. (Laughter.) And I have no doubt that Honourable occupants of benches on the other side follow his good lead in that direction. If you have a scent bottle, you rip open its cover and take a few drops into your handkerchief, not because you need that refresher, but because if a full bottle was to cross the channel it would be subjected to a heavy duty in the port of London. (Laughter.)

Honourable Members entirely forget that whenever a person has to do an act or make a statement against his personal or pecuniary interest, there is always a disposition to make a statement most favourable to himself. It is a part of the human trait, and I say to the Honourable gentlemen occupying the centre group that nobody on this of the House has any objection,—indeed we are entirely at one with the underlying purpose of this Resolution. Our difficulties become apparent the moment we descend from the cloudy heights of generalities into the dusty level of particulars. Let us now come to close quarters and ask what is the specific recommendation which he would ask the Finance Member to translate into action? On that the Honourable the Mover of the Resolution was ominously silent, and knowing that fact, his leader ran to his rescue, but in running to his rescue, I am afraid, he has run with a hurry without making any speed. He said that the time has now come when everybody should be called upon to file a compulsory statement of his income. Now, I wish to ask the Honourable the Mover, the Honourable the Leader of the European Group, as everybody is not liable to pay income-tax, how can you call upon everybody to prepare and file a statement? Are you going to introduce, some sort of Doomsday Book in this country and ask everybody to prepare on the first day of our Lord a statement and then sanctimoniously hurry to the nearest post office or the Income-tax Department and file it and say, "This is my confession of faith for the ensuing year"

Sir Hugh Cocke: I was careful to explain that point. I did not say that everybody should be called upon to file a statement; I said that those who were liable should be called to file a statement.

Sir Hari Singh Gour: If my friend were a lawyer, he would understand that he has got into a vicious circle. How do you know that the man is liable unless he prepares his statement? Why should he prepare a statement? Because he is liable. As my Honourable friend Sir Abdur Rahim has pointed out, he has got into deeper waters than the Honourable the Mover of the motion by making that suggestion. We have been often told that the shoemaker should be wary of going beyond his last, and gentlemen who wish to advise upon matters which are the special domain of lawyers should indeed be wary before they offer their advice. Then we are told by the Honourable the Leader of the European Group that you must pillory everybody who has been found guilty of evasion and avoidance. The very

man who taxes is the man who is the final judge. Then, my Honourable friend on the other side says that such is the law of England. I wish again my Honourable friend to go and consult some lawyer expert in the English law of income-tax. The whole procedure in England is diametrically opposed to the procedure prescribed by the Indian taxing law. You have Income-tax Commissioners who are drawn from the people; who assess the tax. You have then Income-tax Commissioners who are drawn from the people, who modify the tax and hear appeals against that tax. You have the High Court and special commissioners who modify and hear final appeals. They are all representatives of the people, chosen by the people, and trusted of the people. Then, you have a whole system of judicial machinery for the purpose of controlling undue assessments upon the assessee. Have you got that machinery here? As my Honourable friend Mr. Raju very pertinently pointed out, that income-tax law here is a relic of the old bureaucratic system of *hic volo, hic jubeo* order. "This is what I wish; this is what I ordain." It is an entirely antediluvian system, against which Members on the Opposition Benches have registered a written protest, and it is not as my Honourable friend has pointed out, that that largely signed Bill is still awaiting introduction. It has been duly introduced, and some of us have written to the Honourable the Finance Member to co-operate with us in sounding public opinion before its further progress during the next Simla session. What response we shall get to our very just appeal, I wait to see. But the question with which we are directly concerned here is this. We all admit, and we must admit, that in all taxation, and particularly, in the case of the income-tax, there must be evasions and avoidance, but that is not the main question. The question is not that there is evasion and avoidance; the question is whether the doctor's cure would not be worse than the disease. And that is a point upon which Honourable Members on this side of the House are not at one with the Honourable Members in the Centre Group.

What remedy can you suggest for the purpose of mitigating the evil? That is the whole question with which we are concerned.

Then, it has been pointed out by my Honourable friend Mr. Thampan that we have now a new system of procedure, and that the special assessing department that has been installed ever since income-tax became a central subject has led to large abuses. Those are abuses implicit and inherent in the system. When you give any department the sole control and right of levying taxes, and whether you wish or not, the assessor believes that his efficiency will be judged by the measure of success that he attains in collecting money for his masters, there is always an incentive. I do not say you encourage it, but I say that there is always an incentive inherent in the system,—that the Income-tax Officers are inclined to become over-zealous in the discharge of their duties. Therefore, what we now require is a salutary control over their over-zealous discharge of duty.

Honourable Members have said that we must have a committee. That is a question to which I think there can be but one reply. Only yesterday, we heard from Sir Abdur Rahim and his colleague Mr. Mitra, and we agreed with them, that when you have been spending large sums of money upon committees and commissions which turn out voluminous reports that load the archives of the Government of India and are afterwards forgotten and never given effect to—what is the good of having one more committee? If my Honourable friend, Mr. Tait, who seems to be an expert in this subject, is taken into the confidence of the Finance Member—he seems to

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know, or he seems to have a particular knowledge of evasions, and he will tell him how evasions take place. I know, Sir, that the Income-tax Officers do employ informers, and the informers go and give information which is out of all proportion to the reality of the facts for which they vouch. That has led to the accumulated volume of public opinion against the Income-tax Department. It is true that the Honourable the Finance Member has time and again from his place supported that department. I have nothing whatever to say against the personnel of the department, and I do not think that any Member on this side of the House is saying anything against the personnel of that department. What they are attacking is the vicious system, the system that lends to abuse, and it is a system therefore which must be speedily, if not immediately, put an end to.

One more word and I have done. We know as a matter of fact that income-tax will in the very near future be a concern of the Local Governments. ("Question" from the European Group.) My Honourable friends on the other side say "Question". At any rate if it is a question, it is a question which can admit of two answers. It will either entirely go to the Local Governments, as they demand, or they will certainly have a share therein. But, whether it is one or the other, the fact remains that the future of income-tax is on the lap of the gods, and I have been of opinion that we should not now change the policy for the purpose of tightening up the collection of income-tax till we really know where we are. If it is a concern of the Central Government in the future constitution, then let the future constitutionalists, who will take our place, decide how they will levy that tax. If, on the other hand, it goes out of our cognisance and becomes a matter for provincial legislation, you would be anticipating their decision by launching out on a scheme of our own which, on fuller consideration, we may find not only to have been premature but perhaps positively mischievous.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): I was not present when the Mover of this Resolution spoke, but from the speeches of the last speaker, I gather that he entered some sort of protest against the avoidance or evasion of income-tax which is now supposed to be going on, and that there have been protests from this side of the House against some of the proposals which have been put forward from the centre Benches. The objection, it seems to me, if I have been able to follow the speeches correctly, is against the suggestion to further tighten up the income-tax law in order to ensure that no one who is liable to payment of the tax does escape taxation. Sir, I must confess that I do not quite appreciate the attitude of those who wish to maintain that people who are under the law liable to taxation should not be taxed. As to whether or not evasions of the income-tax are going on on an extensive scale, I have no information, but it is common property in Calcutta at any rate, that various parties who have at their command a sufficiently long purse have the means of avoiding their just obligations under the income-tax law. (Mr. B. Das: "Is that so?") My friend over there may express surprise that this is so, but they must be as much aware of such reports about evasion of taxes as anybody else in this House, only that some of my friends may not wish to admit that fact on the floor of the House. I am at one with Sir Hari Singh Gour and others in saying that the rigours of the

income-tax law ought to be lightened, that its administration must be made less irksome, that the Income-tax Officers should behave with greater consideration towards the public. Upon that, there can be no question. There have been instances within my own knowledge and that of other Honourable Members, where income-tax officers were unduly severe. I know of cases where, for instance, for very good and valid reasons parties have asked for a short postponement of the date for production of papers and documents, but the Income-tax Officer has peremptorily refused such application and has proceeded, after refusing such application, to deal with the case as if no proper return had been submitted. These are real hardships against which all of us ought to enter our protest, and it is up to the authorities here to see that such unduly severe proceedings are not allowed. Then, again, I will not say it is common experience, but it is the experience of many of us, that the Income-tax Officer when confronted with some difficulty or other, invariably goes up to his superior authority, the authority which later on might have to hear the appeal in that case. The Income-tax Officer goes to him and takes his directions, and he proceeds to make the assessment in accordance with such directions. The result is that when an appeal is taken to that higher authority, the appeal turns out to be purely illusory, because the judgment of the Income-tax Officer was *de facto* the judgment of the appellate authority, although it did not purport to be so. I am quite aware that, in reply to certain questions which were put in this House, the House was informed that directions were being issued in order to prevent anything of that kind happening. I only hope that the instructions will be scrupulously followed by those for whom they are meant. The instructions are to this effect, that if an Income-tax Officer finds it necessary to consult his superior officer in regard to any case, then that superior authority will not hear the appeal.

Then, Sir, hardships of a different character are well known to many of us. I refer to those cases where small holders of Government securities have to submit to the deduction of income-tax on their securities at the source at the maximum rate, and in most cases it happens that although the parties concerned are entitled to apply for a refund, the procedure involved in applying for a refund is found to be so inconvenient that the deduction is never claimed. Poor Hindu widows, Muhammadan widows, minors and various other parties similarly situated have found it, I will not say impossible to, but as a matter of fact they do not, apply for some reason or other. Therefore this deduction of income-tax at the maximum rate at the source on the interest of Government securities does often involve a great hardship to persons who are hardly in a position to bear it. There are many directions in which there can be no doubt the income-tax law ought to be modified, so as to lighten the burden upon the taxpayers as much as possible without at the same time endangering revenue.

I will not refer now to the question of the rates of taxes, because for present purposes it must be taken as no longer an open point. The rates are unduly high in certain cases. Then, again, the lowering of the limit of taxation which had to be imposed recently, that again entails a great hardship on a large number of people who should have been exempted from the payment of income-tax altogether. While I concede all this, the fact cannot be gainsaid that there are still many loopholes left through which

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it is possible for many people who do not deserve any sympathy whatsoever to escape. My own feeling is that such a thing is hardly possible in most cases except with the connivance of the Income-tax Officers themselves, or at any rate, if not with their connivance, at any rate through lack of vigilance on their part.

There is just one other matter to which I might refer in this connection, and that is the provisions of the section which provides for assessment of income-tax on incomes which had escaped assessment originally. Section 34 lays down that if it is found that anyone has escaped the payment of income-tax or has been under-assessed, then the income-tax authorities may proceed against him *de novo* or proceed against him for the recovery of the deficiency within one year. Sir, this limit of one year I think is much too short, and it does admit of abuse in many ways. What happens is this. Suppose any party finds it possible, by arrangement with the particular Income-tax Officer, to escape the payment of the full share of his proper tax, and if that particular officer remains in office for one year, then the chances of detection are reduced to *nil*. Generally,—I suppose that is a fact,—Income-tax Officers are not transferred very frequently from one place to another. You can safely take more than one year as the period during which he will remain at a particular place. If, on the other hand, instead of making it one year, you extend the period, it is more likely that another officer may come later on to the same section, and the very fact that another will be there, to whom it will be open to check the assessments made during the preceding period, will itself act as a deterrent on any particular officer from making any arrangements with any party. Either you extend that period of one year to two or three years, or see to it that your officers are more frequently changed from one office to another. I know this does involve a reflection on the officers concerned, but I venture to suggest that an inquiry might be made by the Finance Department into this matter to ascertain whether or not there is any ground for the apprehensions expressed.

Then there are certain defects in section 41. As a matter of fact there has been a decision of the Calcutta High Court, to which I do not wish to refer at length, which has held that after an assessee dies, it is not open to the income-tax authorities to proceed against his legal representatives. I do not see why that should be so. My point is this: if we have got to pay the tax, let us all be placed on the same basis. I do not like the idea that I should have to pay my full quota, whereas my friend over there will somehow or other manage to escape. That is not fair. As my Honourable friend, Sir Hari Singh Gour, has pointed out, you cannot help evasions of any law, however stringent the law may be, but if there are patent defects in the law, then there is no reason why you should not remove those defects or any possible loopholes which you can anticipate. That is my view. I know of a case where the executor of an estate was served with a notice of assessment on behalf of the estate which he was representing. Proceedings went on up to a certain point, and then that executor died. Another executor came in his place, and this executor took the point that under section 41 he was not liable. The proceedings which had been taken against the former executor, it was said, came to an end on the death of that executor, and could not be revived against the present executor. The present executor could be held liable

in respect of only the period that he was in office. Sir, that point has been taken, I know. The point has not yet been finally settled in the sense that the High Court has not yet had an opportunity of pronouncing a final opinion on that question. But I think, Sir, the law ought not to be left in any state of uncertainty. You have in section 41 certain categories of persons specifically mentioned. There is no reason why you should not specifically include also the case of an executor. Therefore I say, if you examine the matter impartially, there can be no question that there are many directions in which the law can be improved, I mean, not in the sense of tightening its rigour, but for the purpose of securing that those who are liable are really made to pay. That is all I have to say.

Several Honourable Members: The question may now be put.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, I shall not take much time of the House. I am sorry I was not present when the Honourable Member, Mr. Tait, moved his motion, but, as I gather, he has not put forward any definite proposition before this House. He has complained of the laxity of the administration of the income-tax law and suggested that the penalties provided in the Act should be made heavier and more deterrent than at present. Well, that is a proposition of a very general character, and as has been rightly pointed out by my Honourable friend, Sir Hari Singh Gour, it does not lead anyone anywhere. I wish specially to point out this that the income-tax law as it is is not of a character which has satisfied any portion of the public. There are provisions in it which do require re-examination in the light of the experience we have had of its administration. Sir, if the suggestion was that the whole of the income-tax law ought to be reviewed and a fresh Act drafted, then we should be prepared to support such a proposition. As regards the evasion of income-tax and of the Income-tax Officer, I do not think that is a phenomenon that obtains only in this country. As has been pointed out so nicely by Sir Hari Singh Gour, customs duties in Europe, for instance, are systematically avoided,—and I know they are avoided by persons placed in very high positions in life, persons very rich. They think that to evade the customs officers in different countries is no crime at all. I do not think this statement will be challenged by anyone. The tax-gatherer has never been popular in any country, and I am sure he is not so in England and has never been so if I have read the history of that little island aright. But one serious point which I want to bring to the notice of the House is this. Under the Finance Bill as it has been passed by Government, 350,000 assesseees have been added to the list. I want the Government just to imagine what that means. Government have provided for, I believe, 18 lakhs of rupees in order to meet the expense which the administration of the law, as now extended, will involve. 350,000 assesseees means a very large number of people whom the Income-tax Officer will have to assess, men whose incomes are only Rs. 1,000. That would mean a class of people who are not in the habit of keeping accounts, such as, small shopkeepers, small traders and men who do very small business in all parts of the country. Sir, I really shudder to think, when the Act is in full force, and when 350,000 people are brought under the operation of the income-tax gatherers, what the political consequences will be. Nobody likes to pay income-tax and when you are going to exact a certain amount of money from people with such a small income as Rs. 1,000, you may take it that the popularity of Government will diminish in that proportion. I am really afraid that one

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certain result of the extension of the income-tax to this large class of people with very small incomes will be that the political unrest in the country will be aggravated. I should therefore like to warn the Government to see that the administration of the Act is so carried on that the least hardship may be caused to the large class of people now brought under the operation of the Act. I feel that when I am giving this warning and advice to the Government, I am not exaggerating the situation. I believe that they themselves will realise that it is rather a serious undertaking to assess 350,000 people in the country, and they cannot be too careful in seeing that the administration of the Act is not carried on unduly harshly.

The Honourable Sir George Schuster (Finance Member): Sir, in some respects my task in replying to the original motion is a somewhat easy one for, if I am to oppose the motion, I think I have had a good deal of support for that line of action coming from my Honourable friends opposite. But I am sure that they will not quarrel with me, if, though I welcome their support, I prefer to put my own case in a slightly different way. I think it is very important that we should endeavour to be clear as to the exact issue which is before the House, and I confess that, although my Honourable friend from Bombay, Mr. Mody, said that the issue was a very clear and simple one, I was—at least until he had spoken and thrown the illuminating light on the subject which he generally throws on any situation,—in some difficulty in understanding exactly what was the case with which I have had to deal. I have tried to clear up my own mind on the subject and I will if I may try to clear up the minds of Honourable Members in the House on the issues.

In the first place, I would like to say at once that I am not concerned with the moral issues; I am looking at this matter entirely from a business point of view. Although I am sure all of us are grateful for the illuminating confessions about his own human weaknesses in the matter of evading Customs duties which fell from the lips of my Honourable friend the Leader of the Nationalist Party, we need not really concern ourselves with that aspect of the matter. Now, Sir, if I come back to the speech of my Honourable friend on my right, who moved this motion. I think I might interpret what he said in three alternative ways. In the first place, he did say that his reason for moving this cut was his dissatisfaction with the reply which I had given in the case which he made last November in my Budget speech. That is a point which I can explain later. The second possible interpretation—and I am very much afraid that this is the interpretation which my Honourable friend himself would put on his motion—is this; that there does exist in this country today an abnormal amount of evasion of income-tax which by the exercise of ordinary efficiency on the part of the Income-tax Department we could prevent, and that, if we could prevent that, we should achieve such revolutionising effects in our returns of income-tax that we should be able to relieve other tax-payers to the extent of several crores. Sir, if that is my Honourable friend's case, I must contest it to the last ditch. The third possible interpretation is this, that there exists in India today, as in all countries, a substantial amount of avoidance of income-tax. I might further expand this interpretation by saying that, conditions being what they are in India, the extent of the avoidance of taxation which goes on here may be larger than it is in other countries which have a higher standard of education and a smaller area to be covered by Government authorities in collecting a tax of this kind,—as for example in

England. But,—to continue this interpretation of the case,—it is, as I have already said, that there is in India a substantial amount of evasion as in all other countries and that it is the duty of Government to pay vigilant attention to the matter, to be constantly endeavouring to improve and make more efficient their machinery for preventing this evasion, and to be ready to listen to suggestions which may come from the business community or from other unofficial quarters as to improvements which they could effect. If that is my Honourable friend's case, I am perfectly prepared to accept it.

Now, Sir, going back over these three interpretations, I am sure the House will appreciate that I did not attempt to deal exhaustively with this case of evasion of income-tax in my Budget Speech. I am sure the House will agree with me that my Budget speech was long enough without that and that there was no room for its enlargement to the extent that would have been necessary on that particular topic. But I did try to put in a few words some account of what I had done since this matter was discussed last November. I think my Honourable friend is perhaps a little ungracious in having characterised that account as totally unsatisfactory and insufficient. He knows perfectly well that I have been in correspondence with the members of his Group, and that I have expressed my willingness to discuss their suggestions in detail with them as soon as the urgent pressure of work which falls upon a Finance Member's shoulders during the discussion of the Budget and Demands for Grants is over. I repeat the assurance which I have given that I am very anxious to go into the points which my Honourable friends have raised and to consider whether there is room for some improvement in our machinery.

Then, Sir, if I turn to the second interpretation, an interpretation which implies that there is an abnormal amount of evasion going on which could be stopped by the exercise of the ordinary efficiency, and which would improve our revenue in terms of crores, I must take the line that my Honourable friend has entirely failed to establish his case. He said he would have liked to hear from me how we, on further consideration, viewed the figures which he put forward last November. I thought that I had given some answer to him in the course of the debates in November. My Honourable friend's case rested mainly on this ground, that according to statistics which he collected from Burma it was clear that if in Bengal there was the same efficiency of collection as he maintained was exercised in Burma, then we should gain three or four crores. I doubted the figures on which my Honourable friend based his case. But I took the broad line with him that it was quite impossible for us to believe that we had in the Income-tax Department in Burma an example of all that was perfect, of the greatest possible efficiency which could be achieved in this world, whereas in Calcutta we went to the other extreme and reached the actual basic limit of inefficiency. I put it to him that on the face of it that was an impossible thesis. Since then, I have had most carefully examined the statistics on which he based his case. I am afraid it will be impossible for me to go through those figures in the time available to-day, but I should be very glad to furnish my Honourable friend with what I think he will accept as a complete answer to that particular line of argument. Nevertheless, my Honourable friend repeats, as far as I understood him, the case which he put forward before and he bases his argument entirely on his own "conviction". In the meanwhile since last November, I have, as I informed the House, taken

[Sir George Schuster.]

such opportunity as was possible to consult with the various business organisations on this matter. It was, I am afraid, as my Honourable friend Mr. Mody has pointed out, impossible for me to go down to Bombay and meet certain business representatives there, but I did have the occasion to go very fully into the matter in Calcutta; and I confess that I was disappointed with the way in which evidence came forward for establishing this case for evasion. My Honourable friend admits that row, and his answer is that it would be foolish, and it must surely have been beyond anything that I could have expected, to hope that I should get from himself and his business associates any direct evidence of evasion. But I put it to my Honourable friend that, while it may be very difficult for him to produce that evidence, nevertheless if he spoke entirely without evidence from what did he derive his conviction? It is a little hard to understand the line which my Honourable friends on the right are taking. It seems to me that the case is rather like this, if I may give him a homely example. Supposing one of my Honourable friends is held up between Old Delhi and New Delhi for exceeding the speed limit in his motor car, and he asks the policeman who holds him up, what evidence he has got that he was driving at sixty miles an hour. The policeman says, "I have not got a stop-watch. - I do not know. But you have a speedometer in your car and you must know whether you have exceeded the speed limit." It seems to me that that is rather the line which my Honourable friends are taking. If they expect us to accept the position that there is a large amount of culpable evasion on the scale which my Honourable friend's figures indicated, then I do submit that it is up to them to produce at least some evidence to us of concrete cases. I would go further and say that their general line of argument is—and it was implied in what fell from the Honourable the Mover,—their general line of argument is that we who work in Government offices in some way or other divest ourselves of that matter-of-fact common sense which we might have enjoyed when we were indulging in other and more profitable occupations. That I take it implies that my Honourable friend, who still enjoys that easier and more profitable form of life, does in his own person preserve that matter-of-fact common sense which he so much admires, and of which I, apparently, and my official colleagues have long ago divested ourselves. I appeal to my Honourable friend, why does he not come forward to give us the benefit of that matter-of-fact common sense and tell us how we can overcome this great evil on which he has enlarged so eloquently before the House? I think that on these lines the case put forward is, if I may say so, an unreasonable one. But I do not wish to stress that point too much and I hope that on reflection both the Honourable the Mover and those who sit with him on those Benches will be able to accept the third and the more modest interpretation which I have given to their position, the interpretation that is that there is evasion, that is a normal feature of the administration of income-tax law in any country, that the probabilities are that it exists owing to the nature of the case to a larger extent in India than in some other countries, and that it is our duty to do our best by detailed measures to improve the machinery which we have for preventing it. On those grounds I am prepared to discuss the matter with my Honourable friend.

Now, I have here material which could easily form the subject of a speech for another hour and a half, dealing fully with 12 suggestions that

have come recently from the Bombay Chamber of Commerce and with half-a-dozen other suggestions which have come from other quarters, but I do not propose to go through those to-day. I propose to discuss them with my Honourable friends. A good many of them will require legislation in some form or other, and judging from what has fallen from the lips of my Honourable and learned friend the Leader of the Nationalist Party, I think a good many of them will encounter a fairly strong opposition in this House. That does not mean that we shall not necessarily proceed with them, but the matter is not quite so simple as my Honourable friends think and it does require very careful consideration as to the exact form in which we should put forward these proposals. Now, I do not want to frighten the House by what I have said. The proposals which I have in my mind and which would require legislation are all fairly simple and not of a very drastic nature, and I am afraid I cannot hope that they are going to produce any very sensational results. They are exactly of the nature of the measures to which I have already referred, small points of detail which will to some extent tighten up our machinery and thus, we hope, improve its efficiency. It is measures of such a kind which we have been considering, and which we are prepared further to discuss; and if there are any other suggestions on those lines, whether they come from my Honourable friends on my right or from my Honourable friends opposite, I say here that we shall be very glad to receive them and that we shall give them our most careful consideration. I think, Sir, that is all that I need say on the subject. Before I sit down, I would therefore sum up what I have said by inviting my Honourable friends on my right to accept the modest, and I think I may say the common sense, interpretation which I have put upon the motion moved by my Honourable friend; and, having taken it in that light, I would suggest to them that, in view of what I have now said, they should not press the matter to a division.

Mr. John Tait: Sir, I do not propose to take up much time of the House because I feel that I have more or less established my case as regards evasion of income-tax. With probably one exception the Honourable the Leader of the Independent Party every other speaker has clearly admitted that evasion does exist and does exist to a serious extent. My Honourable friend Mr. Das went further and pleaded with Government to make it more easy for the evasion to continue. Several of his friends made an attempt to whitewash that speech which was an extraordinary statement, but I am afraid they signally failed to do so. However, the fact remains that there was not one single speaker who got up to say that evasion did not in fact prevail.

There was much complaint made about the oppressive tactics of the Income-tax Department, and with that I have a fair amount of sympathy. But I do contend that the fact that honest people are harassed by the Income-tax Department is no argument that dishonest people should be allowed to escape. It is one of our complaints that the time and energy of the Income-tax Department is in a great many cases expended fruitlessly in harassing honest people when their time could be much better employed in seeking for new assesseees.

It was somewhat difficult to find from the speech of the Honourable the Leader of the Nationalist Party what his attitude towards evasion of

[Mr. John Tait.]

income-tax was, but one thing that was clear from his opening remarks was that there is very little regarding evasion which the Honourable gentleman is not perfectly aware of.

However, we are very grateful indeed to the Honourable the Finance Member for what has fallen from him today and I can say that he will be perfectly justified in taking all the three alternative interpretations as the purport of my speech. However, as he has given us an assurance that it is intended to institute such measures as circumstances may require to put matters right and that we will have an opportunity of discussing these things with him, I think our case is met. We have no intention of being unreasonable at all. We still adhere to the view that very extensive evasion is practised in the country, and because of that other people are paying more than they ought to do. However, as he has said the matter can be best discussed in committee or at a meeting; that meets our case and therefore, Sir, in view of these circumstances, with your permission and with the leave of the House, I desire to withdraw my motion.

Mr. President: Has the Honourable Member leave of the House to withdraw his motion?

Several Honourable Members: No.

Mr. President: The Honourable Member has not got the leave of the House to withdraw.

The question is:

"That the Demand under the head 'Executive Council' be reduced by Rs. 100."

The motion was negatived.

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

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

Indianisation of the Army.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I beg to move:

"That the Demand under the head 'Executive Council' be reduced by Rs. 100."

It is a subject which has been debated many times in this House for a very long time, and again I wish to bring to the notice of the Government and of this Honourable House how far this subject has advanced and what achievement India has made since the beginning of the reforms.

In 1923, I moved on the 24th January a Resolution which was worded as follows:

"This Assembly recommends to His Excellency the Governor General in Council to be pleased to get King's Commission for Indians by direct recruitment and by

promotion from the rank of Viceroy's Commissioned Officers in such number that all vacancies in the Indian Regiments be in future filled by such Indian Officers only till all Indian Regiments are wholly Indianised."

My object in moving this Resolution was that it should apply to the regiments in which the sepoys were Indians and I confined it to Indians when I used the words "Indian Regiments" that is that it should apply only to those regiments where the sepoys are Indians, and it did not concern the British troops at all; and while moving that Resolution, I said at that time what I am ready to say now:

"I am not actuated by any racial feeling and I do not wish to minimise in any way the great services rendered to the Indian Army by the British officers for a very long time past. British officers in India have played a great part in teaching discipline to the Indian Army and in maintaining peace and order in the country. The great quality of a Britisher of knowing his duty is well known to all Members of this Honourable House, and the whole House, I hope, will agree with me and will support me in appreciating the services which British officers have been rendering to India. They have taught such good discipline that the fruits of it were found on the battlefields of France, Mesopotamia, Palestine, South Africa, China and other places. British officers have led the Indian troops in a remarkable way, and they have won great fame for the Indian Army."

I still pay that tribute to British officers serving in Indian regiments; and when I move this cut and bring the same Resolution forward for consideration, it is not in any way because I minimise the great services rendered by the British officers serving in the Indian Army; my intention is totally different; and it is this, as it was then, that the Indian officers who are the Viceroy's Commissioned Officers serving in the Indian regiments, with a few exceptions, as I will show, have proved their worth on many battlefields and they have rendered such signal services that, in spite of their having never received proper education or the training that is given to the British Officer at Sandhurst, these people proved their worth during the war and that they were second to none in their loyalty, in their valour and in their ability to lead troops. This fact was very well recognised by His Excellency the late Lord Rawlinson when he was replying to my speech. He said:

"In the first instance, during the war and since, 371 Honorary King's Commissions have been granted mainly as war rewards to Indian Officers holding the Viceroy's Commission in the Indian Army. In addition to these, there are now some 66 Indian Officers holding the full King's Commission and serving in the Regular Indian Army, or doing the normal period of attachment with a British regiment . . ."

He further said:

"Many of them have received the King's Commission, largely as a reward for gallantry and distinguished service in the field and we shall continue to recognise such distinguished services by the grant of further King's Commissions to this class as time goes on."

This very fact shows that when 371 King's Commissions were granted as a reward to the officers who were holding Viceroy's Commissions, they were placed on the same footing as the British Officers during the war and after the war, when thousands of them had perished on the battlefields and laid down their lives for the cause of the Empire they showed that they were really fit and proper persons to have a great regard from this country and from the Government as well. Their services were recognised; but I think

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they were still not recognised quite adequately, because though the number was 371, a great number, still it was really because thousands of them had perished who would really have obtained the King's Commissions if they had survived the war. After seeing this, when we can find amongst the martial races people who are quite capable of conducting armies and of fighting in the war equally as well as any British officer or any European army can fight, I see no reason why any stigma should remain on the face of the Indian Army, that it cannot produce a sufficient number of officers to officer their own regiments. That is the motive which impels me today to bring in the same Resolution. I think that the policy which the East India Company had pursued in getting Indian sepoy who were officered by the Europeans should be abandoned now. The time has changed and is changing every day; with the increasing power in the civil departments, the increasing responsibility in the military also must come to Indians. Unless we have the Indian Army Indianised, the Indians will still be incapable of defending their shores, and they will be unfit absolutely for home rule or any rule whatsoever. I think His Excellency Lord Rawlinson speaking at that time realised this very factor and I will quote from his memorable speech one sentence and that will strengthen my cause. He said:

"Now it will be idle to ignore on the other hand the desire for change that comes very naturally with changing times and I can readily understand that as the people of India claim increasing independence they should also claim increasing opportunities to fit themselves for self-defence. The desire that the Indian Army should be Indianised follows as a natural sequence, and Government, as I have already said, have for a considerable time recognised that a demand of this kind is inevitable and they have spent much time and pains in investing the best means of assisting the people of India to realise their ambition without at the same time sacrificing even for a time the traditional efficiency of the Indian Army."

Sir, the late Lord Rawlinson and the Government of India and the Home Government recognised that with the change of time this demand will be inevitable and this demand will be made every time. After the ten years that have elapsed since then, I still feel justified and I stand here justified in moving this motion. I was advised by my Honourable friends of the then Democratic Party—and out of that party I find I have here my old, respected and learned friend, Sir Hari Singh Gour,—to withdraw my Resolution. My friend took part in that debate, and I find from the division that although we had that very morning a very strong majority, yet on account of an unfortunate incident,—I call it an incident,—which occurred, I could not get a sufficient number of votes, and I was advised to withdraw my Resolution on account of a statement made by His Excellency Lord Rawlinson. I thought I should not withdraw the Resolution, for I felt that posterity would blame me if I did so, and that I should have no ground to justify myself in the future if I accepted that statement, and today, Sir, I feel justified in not having accepted that statement. Sir, this Resolution was moved on the 24th of January, but the time was very short. It was moved in the afternoon, and after a reply from the Commander-in-Chief and a speech from Dr. Sir Deva Prasad Sarvadhikari, the debate was postponed till the 17th of February. In his speech the Commander-in-Chief had made one remark on the 24th of January as follows:

"From the statements already made in this House, Honourable Members are aware that the Government is still not able to set on foot any specific scheme of Indianisation or even to say really now when this will be possible. It is hoped, however, that it

will be possible to make an announcement at no very distant date when the correspondence which is still proceeding between the Government of India and the Secretary of State will be concluded. The correspondence has been prolonged and the consideration given to the matter has been very thorough, as indeed the importance of this matter deserves."

Now, Sir, this was said on the 24th of January, when the correspondence between the Government of India and the Secretary of State had not been concluded, and when the Commander-in-Chief said that he would be able to make an announcement as soon as possible. Then on the 17th of February, to which date this Resolution was postponed for further discussion, His Excellency came into the House and was the first to get up and make an announcement, which perplexed practically everybody for the time being; it practically dazzled or I may say captured the minds of everybody, because they did not then realise fully the importance of that announcement. They thought the announcement would go a long way and accelerate the pace of Indianisation of the Army, but what do we find today? This is what the Commander-in-chief said:

"In the short interval that has elapsed the correspondence which I then said was proceeding has been concluded, and I am able to announce to the House the following decision, that the Government consider that a start should be made at once so as to give Indians a fair opportunity of proving that units officered by Indians will be efficient in every way. Accordingly it has been decided that 8 units of cavalry or infantry be selected to be officered by Indians. This scheme will be put into force immediately. The 8 units to be wholly Indianised will be merely infantry units, but there will be a proportion of cavalry."

Now, Sir, this announcement really cast a spell on the whole House on that day. Honourable Members thought that from Second Lieutenants officers would at once be promoted to Colonels and Majors as if by magic, and that these officers would go and lead the Army without acquiring much experience, or that people selected from schools and colleges would be appointed as Captains and Majors, (*An Honourable Member*: "From factories")—probably from factories also as the Members then thought, in fact Members then thought that the underlying object of my Resolution had been achieved, but I found that the decision of the Assembly was wrong and that wrong decision still stands today . . .

Mr. B. Das: Nobody expected anything better from that Assembly in 1923.

Mr. Muhammad Yamin Khan: Let me see what you will do today. I realised then, Sir, that these 8 units would be absolutely separated, they would be treated something like the depressed classes in the Army Department, and my apprehensions on this ground were fully justified. I find there is a general grievance among Indian officers serving in those regiments that they are socially isolated, in fact there is a strong feeling among these officers that they are not treated or respected in the same way as British officers are treated, with the result that nobody likes to go into those units; everybody wishes to be shifted from those units. I thought that as vacancies occurred, in the higher ranks of the British Army these officers would be promoted as Captains or Majors and thus the process of Indianisation would be accelerated, and if this method had been followed it would have taken 24 years for a King's commissioned officer to come up to the rank of a Lieut.-Colonel. If that scheme had been accepted then, probably by this time we would have had Indians

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as officers holding the ranks of Captains and serving under British officers, and who would in the natural course of things have occupied the rank of Majors and Colonels according to seniority, and it would also have proved the sincerity on the part of the Government to prepare India for self-government. But, Sir, what do we find today? This 8 units scheme was not and is not acceptable to anybody even after a lapse of 8 years, and I would like to hear what our Honourable friend the Army Secretary has to say on behalf of the Army Department in support of the policy which they adopted at that time. I do not like that incidents that happen in the House here in connection with Army questions or the incidents that happen outside this House should in any way interfere with the loyalty, the unswerving loyalty, of our officers in the Army: I am anxious that the Army should be kept absolutely free from the criticisms of politicians; I want that the Army should live as the Army and not as politicians; but, Sir, the policy which is pursued, the wrong policy which is pursued by the Government of India today, is dragging the Army unfortunately into politics. Politicians in the districts think that they should invade the Army by making capital out of the discontent that exists among the Army officers, by creating discontent in their hearts, by showing them that they are not treated properly and so forth, and this will continue as long as the Government persist in their present policy; and it will be a very deplorable state of affairs indeed if the Army really begins to feel in the way they are made to feel. I say, the Indian officer, whether he be a Viceroy's commissioned officer, or a King's commissioned officer, has proved his loyalty beyond any suspicion or doubt. You cannot impeach his integrity; you cannot impeach his loyalty. He is ready to give his life, he is ready to sacrifice his children and all his pleasures for the sake of the Empire, as has been proved on many battlefields. He had gone ungrudgingly outside India to fight the wars of the Empire. Why? Because these people come from the martial races who delight in taking part in warfare, whose business, whose job, whose training from their very cradle is warfare. They can never rest content unless they have somebody to fight with. You are limiting their sphere up to Risaldar Major, or Havildar Major, or something like that, which means that you deprive the best people of the country, the most loyal people. You narrow down the limits of their ambition—that is Government's present policy. Their policy is to stop these people from rising higher and shining as their forefathers did before. It is not that the martial classes did not produce any capable officers before the British came to India. We had Indian armies which went out of India, the Rajputs and the Mussalmans went outside India. The Army which was led by Aurangzeb to Central Asia was composed not of Persians but of the Mughals, Pathans, and the Rajputs. The Rajputs had shown the same valour as the Mughal armies had done. Their names are written down in history. Before the Mussalmans came to this country the Rajputs were in the front; thereafter we had the Pathans and the Mughals who were conspicuous. The valour of Porus who met Alexander the Great is written in history. We find that though not only in Indian history, but it is to be found in the Greek history, how bravely Porus fought against the disciplined army of Alexander the Great. He had received eight or nine wounds, and he was absolutely injured, but still he never left his command. He stopped there keeping his army cheerful all the time. So, it shows that in valour the Indian army is not wanting. In loyalty they are

not wanting. The only thing that they are wanting in is proper training. May I ask, whose fault it is that they are not properly trained? At the time when Babar came, the Indian armies fought against the Mughal armies with great distinction. When the Indian armies went to the south of India to conquer it, the record of their achievements is all there. Sivaji's exploits are there, the Mughal army's exploits are all there. The officers in the Indian States' armies are all Indian, practically no English officer serving in the Indian regiments of Indian States. The Hyderabad contingent, the Gwalior forces, etc., distinguished themselves in the War. The Hyderabad regiment went to fight in Palestine, Egypt and other places. I find in the records of the War, some Indian friends of mine, at least one Indian friend of mine who belongs to the Indian Legislature though to the other place, led a British regiment in France when all the British officers had been killed. He was the only officer left, and he commanded the British regiment and did so with great distinction. His name was reported in despatches, and here in this House I find that we have got distinguished men. We have got our friend sitting behind me Captain Sher Muhammad Khan. He has fought in China, the frontier, Egypt, Gallipoli, and the Black Sea, with great distinction. We have got as your Marshall a gentleman who rose from the lowest rank to the highest which could be allowed to an Indian officer. He got an M. C. in the War. He afterwards got a King's commission, but, instead of wasting the best part of his life as a sepoy, if he had been given the opportunity of enrolling himself and becoming a King's commissioned officer, he would not have been a mere Captain Nur Ahmad Khan, but General Nur Ahmad Khan in the Indian Army. Is there anybody whom you can call a General in India among the Indians? There were Generals, and Field Marshals, in the past, before the advent of the British. Why should they be kept down? Why should this policy be adopted which keeps them down and down although they have got all the other qualities except the one quality of training? These people are not responsible for their lack of training. The responsibility lies on the Government to select the best people out of the martial classes in sufficient numbers. You give them a chance to be educated in the schools. If these people cannot educate their children properly on account of the insufficiency of the salaries that they get, it is the duty of the State to provide money for free education of the children of those people who are serving in the Army. If you give them the same education, the same opening, they will shine as well as anybody in the Empire, for the benefit of the Empire. They will serve as loyally as they are serving now, and they will be a great asset to the Empire in the future, and the Government will be proud that they possess very efficient officers who are a decoration to the Empire. Indian officers can never think of living outside the Empire. They will serve as loyally in the future as they have been serving in the past. It is not enough to provide only 60 cadetships in Sandhurst. I find that there are 141 Indian regiments. There are 120 regiments of Indian infantry and 21 regiments of Indian cavalry. Now, Sir, this policy that a British officer must serve side by side with Indian officers in the Indian regiments gives the Indian soldier the feeling that the Government feel a kind of suspicion against him. A very ridiculous speech, rather a speech like that of a buffoon, was made in 1923 by an old man, who called me a rash young man at that time.

Mr. B. Das: Was he a Member of the Assembly?

Mr. Muhammad Yamin Khan: Yes.

Mr. B. Das: Is it fair to call him a buffoon?

Mr. C. S. Ranga Iyer: On a point of order. Is it proper for an Honourable Member of this House to describe an ex-Member of this House, who is no longer present to answer him, as a buffoon?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): It appears to the Chair that it is a question of good taste. The Honourable Member will be well advised not to use such language when referring to ex-Members of the Assembly.

Mr. Muhammad Yamin Khan: I will take your advice, but if my Honourable friends had a little patience I would have shown them that I was called rash. If my Honourable friends will read Khan Bahadur Zahir-ud-din's speech they will have no other opinion but that it was a buffoon's. From top to bottom, there was no seriousness in it, and he was swearing at everybody in the House. He called me the same thing to my face. I shall not waste the time of the House. I am sorry my friends interrupted me when I was dealing with a subject like this. The interruptions which they are accustomed to make do not stop when even a serious subject is discussed. I found that the Indian officers were discredited by one of my countrymen, who happened to be a Member of this Assembly and he wanted to rouse in that speech the Indian officers serving in the Indian regiments, and I am glad that it had not created that effect. The Indian officer in the Indian Army is so unswerving in his loyalty that no amount of propaganda can drag him into politics. He remains a soldier from beginning to end. I want, Sir, that opportunity should be given to the Indian soldier and his son to get proper openings, so that the stigma may be removed that the policy which had been adopted by the East India Company had been accepted by the British Government, after the transfer of power from the Company to the Sovereign. I think that 60 recruits will not be sufficient. Sir, I do not approve of the policy of placing British officers in Indian regiments, which makes the Indians exclaim, "Why should not there be Indian officers in British regiment?". The reply will be given that the British soldier will not be willing to serve under an Indian officer. That will again drag politics into this question. I want to avoid that. The policy should be to discard this communalism in the Army. If you place British officers in the Indian regiments, the Indian officer will equally claim that he should be placed over British regiments. The Indian officer will say, "If I am good enough to lead my caste fellows, why should not the British troops be willing to serve under me?". This question will crop up in another ten years time if the Government do not take the hint today. If you do not concede this point in time, it will involve India in great danger, and you may have to yield much more later than what will content the people today. I would include in the category "Indian" the "Anglo-Indian" also, because some of the Anglo-Indians and Europeans made their home in India in the past and they distinguished themselves in the Army. We all know the names of Gardener and Skinner and others who formed regiments and they led them. I am quite willing to recognise that the Anglo-Indians, who have made India their home, should be

treated as Indians and they should be allowed full opportunity along with other Indians, and in the future their feelings are bound to be the same as those of other Indians. Future events and changing circumstances will teach them that they must consider India their home and they should not look to any other country but India as their motherland. I will confine my remarks only to this which is the same as what I advocated before, namely, that Indian regiments should be officered by Indians only and I still advocate the same principle. With these words, I move my motion.

Mr. C. S. Ranga Iyer: I rise to congratulate my friend Mr. Yamin Khan who on behalf of his party made a speech which is a reply to one school of thought, whose views were expressed by Professor Keith in the following words:

"Self-government without an effective Indian army is an impossibility and no amount of protests or demonstrations or denunciations by the Imperial Government can avail to alter that fact."

Mr. Yamin Khan was very nearly expressing the views of the Nehru Report so far as the Indianisation of the Army is concerned and the views of the Nehru Report embodied in these words; and, incidentally, they also constitute a reply to the pungent observations of Prof. Keith:

"This is true, but we do not accept the constitutional position that without an Indian or Dominion Army India cannot obtain Dominion Status. In the first place, the Indian Army is not to be created. It exists there already. In the next place, historically the position taken by our critics is not correct."

I have not got much to add on the speech of my Honourable friend, Mr. Yamin Khan; and if I had to interrupt him, I can assure him that it was not with a view to interrupting the eloquent flow of his reason and the array of his arguments; it was only incidentally to place on record that, whatever might have been the record of Members who are today not present here, I think it would be very much in keeping with the dignity of Members in this House not to describe a gentleman as a "buffoon" or a speech as the speech of a "buffoon". If he had said that it was something of the nature of buffoonery, it would have been less offensive though the bad taste would remain. Sir, I have not had as yet the opportunity of reading the speech of the Honourable gentleman who appears to belong to the same community as Mr. Yamin Khan. I am not therefore looking at it from a communal point of view but from a parliamentary point of view. In his reply he tried to show that Honourable Members on this side are accustomed to interrupt. Yes, but we are not accustomed to interrupt Mr. Yamin Khan of all. We generally, as an Opposition, are accustomed to interrupt the Treasury Benches and sometimes the European Benches when they are in agreement with the Treasury Benches without the "responsibility", as pointed out this morning rather parenthetically by the Honourable the Finance Member himself when he referred to their comfortable ease or some such expression which I cannot recall, but my impression I believe is correct. I must tell Mr. Yamin Khan that I had no intention of giving him the honour of my usual interruptions which I think it is the privilege of the Opposition to indulge in.

With these few remarks I may now embark on a few observations on the important question of the Indianisation of the Army. My Honourable

[Mr. C. S. Ranga Iyer.]

friend, Mr. Yamin Khan, referred to the great Anglo-Indian community, whom no one on this side of the House wants to deprive of their great possibilities in the field of the Army, just as in the field of the Railway Department. Sir, I do not think they have got the same consideration in the Army as they have got in the railways. The inroad we are making into the railways will I think be compensated by the inroad they are welcome to make into the Army, and therefore I endorse the observations of Mr. Yamin Khan that the Anglo-Indian community must be given their opportunity in the Army of the future. (Hear, hear.)

Then I would also say that though my Honourable friend, Mr. Rajah, is not present here today, the depressed classes must be given the same opportunity. Sir, Mr. Yamin Khan referred to the East India Company days, and his reference reminds me of the part the depressed classes played in those days, when they fought the battles of Clive and Tippu for and against Great Britain. Sir, who fought those great battles of Clive for Great Britain? The depressed classes. It was also they who fought the battles of Tippu against Great Britain. Sir, Tippu and Hyder Ali had a large number of soldiers and officers drawn from the depressed classes. Similarly in South India the depressed classes were the trained officers of Lord Clive, the founder of the British Empire in India whose statue faces very rightly the India Office, commemorating one of the greatest events in the career of a man who came on an adventure because he was unwanted by his parents and founded a great kingdom for his mother country. He enunciated a principle, since perhaps forgotten, of equality on the battlefields when the depressed classes people were quite willing to share their *conje* with their European officers, or for that matter their Indian officers. Sir, I want the spirit of those happy days to be revived.

Sir, the Report of the Simon Commission contemplated the introduction of a Dominion Army in India. Without going into that controversy, I think we may say that a Dominion Army is a necessity if India is to be a Dominion, and to have a Dominion Status, and you cannot have a Dominion Army without Indianising the Army; and therefore I would ask the Army Secretary what steps the Government propose to take in the direction of the acceleration of the pace of Indianising the officer strength of the Indian Army.

Sir, it has been stated that a military college will be established in Dehra Dun or somewhere else in India. At present we have got a so-called military college in Dehra Dun. Some Members on this side of the House have had the opportunity of visiting that "military college" as guests of the Government. I think that opportunity was given to us by the late Lord Rawlinson, the great Commander-in-Chief that he was, who wanted the Opposition to have an opportunity of understanding the possibilities opening before Indians. Sir, the good Adjutant-General, Sir John Shea, was with us at Dehra Dun when the officers and professors in charge showed us round the college—I am not casting any reflection when I say, it is not a military college, but that it is a very good public school for the training of students who have aspirations for a military career.

Captain Sher Muhammad Khan Gakhar (Nominated Non-Official): It is a public school.

Mr. C. S. Ranga Iyer: I agree. My friend is perfectly right, it is a public school; I was about to say it is misnamed "The Prince of Wales Military College". (*An Honourable Member:* "Then change the name.") I do not want to change the name, as my friend suggests, with his usual sense of humour; I want that it should be as good as its name; I want to see that it is made a military college. I do not want to be understood as saying that there should be only one military college in India. India, Sir, must have as many military colleges as its size and its population justify. Take the size of England and the population of Great Britain. How many military colleges have they got? Take the size of India and the population of India and how many military colleges should India have? Sir, I say, Sandhursts. Woolwiches and so on must dot every part and province in India. Take the case of the United Provinces, which has as large a population and size as Great Britain. Every province in India must have a military college. Many more military schools like the Dehra Dun school, many more feeders for the military colleges must come into being in this country. Sir, if the Government are genuinely keen about promoting self-governing institutions in this country—and that would seem to be the case, otherwise we would not have had the Round Table Conference and the Consultative Committee—I would very earnestly appeal to the Government to take, without delay, all steps in the direction of introducing military colleges and feeder schools therefor in India, and thus give the British Indian people opportunities for military careers, and opportunities to show their military valour not only in the interests of India but also in the interests of Great Britain, for, united we stand, as we proved in the last war by our united stand not only for the good of India but for the good of Great Britain and all she stands for.

Sirdar Harbans Singh Brar (East Punjab: Sikh): Sir, this opportunity which has been afforded to us by Mr. Yamin Khan to discuss the Indianisation of the Army has come at the right moment. Sir, although India was not afforded the opportunity of obtaining the King's Commission before the year 1920, she had a class of officers who were gallant and had a marvellous record of chivalry and were drawn from the ranks of the peasants. They were not very much educated but were very well trained for the art of warfare. I am referring, Sir, to that class of officers who were known as the Viceroy's Commissioned officers.

(At this stage Mr. President vacated the Chair which was taken by Sir Hari Singh Gour.)

Our demand on this side of the House for Indianisation of the Army and of the higher ranks, though listened to with courtesy and consideration and acceded to in very small degrees, is now having a great reaction. In 1920 an expert Committee of the Army Department recommended that about 110 Indian Cadets should be trained every year for the King's Commission. But last year we had a Committee, which was composed of military experts as well as persons drawn from the public life, which reduced the pace of Indianisation almost by half. Our total figure per year for appointments in the King's Commission has roughly been about 200. If every year we recruit all these 200 men from the ranks of Indians, it will take about 30 to 35 years to Indianise the whole Army. But if we accept the figure recommended by the Sandhurst Committee of last year, it will take about 100 years to Indianise the King's Commission. Another most reactionary decision, we are told by that Committee, was that the

[Sirdar Harbans Singh Brar.]

Government have decided upon doing away with the Viceroy's Commission. Sir, in the Viceroy's Commission we have thousands and thousands of Indian soldiers drawn from the martial classes in the countryside who by their great chivalry and merit rose from the ranks of sepoys to the ranks of officers. Although they do not become King's Commissioned Officers, they do become Subedar Majors, and some of them even retire as Honorary Lieutenants or as Honorary Captains on decent pensions for the valuable services which they rendered to the Army. Sir, the Viceroy's Commission encouraged the people from the villages to take to the Army as a profession because it produced a great field for becoming officers in the future. Now, Sir, this measure of Indianisation in the King's Commission is not large enough for the resources which India provides. It will be the cause of great dissatisfaction and discontent to the lower ranks of the Army if they are told that they should not hope to become in years to come Jamadars, Subedars, Subedar Majors and so on. I am sure it will shatter their hopes for all time to come. We have been asking that, in addition to what we are enjoying in the officer's ranks, we should get more officer's jobs. Sir, we are expecting to get now 60 officers every year. They will be admitted in the college, and out of them at least 10 will fail and we will have only 50 passed officers. Even in England they fail about 2 out of every 10. So we will be having only 50. For having this number of King's Commissions we are being deprived of Viceroy's Commissions for many thousands of our countrymen who in the past have done wonderfully well in the Army, not only within the borders of India but also beyond. Is it fair, Sir, now that India is going to have its own management of affairs, that we should have the total abolition of the Viceroy's Commission? When I say this, I voice the feelings of my constituency, which is a great recruiting ground in the Punjab for the Army. At least half the Army recruited from the Punjab is recruited from that area. I am sure the soldiers in the Army will be very much discontented and the peasantry in the countryside will rise up against the Government if, instead of giving us more ranks in the Army as officers, you deprive thousands and thousands of young men from rising to the Viceroy's Commission. They will very much resent the idea that they should remain as sepoys for all time to come. My friends Captain Lal Chand and Captain Sher Muhammad, who have been in the Army and who have come in contact with the marvellous feats which the sepoys have displayed in the battlefields of the Empire, will be able to bear testimony to this fact. Sir, it is nothing but fair that these sepoys should be afforded the opportunity which they have had so long, viz., that in addition to the King's Commission, they should also enjoy the Viceroy's Commission. Sir, these men might not have been good linguists, but they are certainly good soldiers, and as such deserve good treatment at the hands of the Government. Government should provide them with free higher education in the Army and should make military training compulsory in Government and Government aided schools throughout the country. With these few words, I press for the Army Secretary's consideration of the case of the ordinary layman in the Army, namely, the soldiers. I request him to remember that it is the sepoys who form the backbone of the Army, and it is they who fight the battles and therefore they should not be deprived of opportunities for getting what is their due, and that they should be given every facility to rise to the higher ranks of the Army.

Captain Sher Muhammad Khan Gakhar: Sir, I feel it my duty to thank you first for giving me an opportunity of presenting my views on the subject of defence which forms a most important and integral part of the Budget. I propose to have a plain talk with the politicians, and ask them to give the authorities all that they need and think necessary for our safety as well as that of our motherland. It is essential that they should in the very beginning appreciate the facts that it is the proper authorities who are the saviours of the country, and not they who should be the judges of our needs and equipments necessary for the defence of the country.

Ever since the inauguration of the Montford Reforms, and the present Assembly, there has always been a heated discussion on the military side of the annual Budget; and Government have often been accused of feeding their own countrymen at the expense of the Indian tax-payer, and have been constantly and persistently asked to replace the British King's Commissioned officers by Indians, a process which is generally known as the Indianisation of the Indian Army.

Undoubtedly to all lovers of India the defence of India must ultimately be the concern of the Indians themselves; and it is extremely gratifying to note that as a result of the Round Table Conference deliberations, the principle has not only been accepted but put into practice as well. Our long cherished desire for the establishment of an Indian Sandhurst has been fulfilled; and the annual intake of 60 young Indians out of an annual wastage of about 100 is going to begin in a few months. This means a very substantial advance.

Ever since the publication of the Indian Military College Committee's Report a storm of criticism has been raised and objections levelled against its recommendations by Nationalists and their press. Although the general sense of the Committee, on which I had the honour of serving, was satisfactory, yet some of the members have appended minutes of dissent to it and the burden of the song has been an increase in the pace of Indianisation.

I, as a soldier and a man of action, who has spent a greater portion of his life in the Army and on active service, venture to differ from my esteemed friends, the politicians. They forget that the question of Indianisation cannot admit of a mathematical solution. It involves considerations of efficiency, equipment, and *esprit-de-corps*. Under a zeal for Indianisation we should not overlook these facts. We should remember that an army without efficiency is as useless as a rifle without ammunition. The question of the defence of India is too important for us to trifle with. Most of our politician friends had emphasized the desirability of fixing a period for complete Indianisation. To this, with all due respect for their pious wish, I would most emphatically say that no one, at least no military authority, on earth can fix the exact period. In the words of Mr. Thomas, Chairman of the Defence Sub-Committee of the Round Table Conference:

"It is not a question of saying Smith, Brown or Robinson is entitled to be called General, but it is that Smith, Brown or Robinson have graduated through a period of experience and of training that fits them and makes them competent to be Generals. Therefore that cannot be determined by a resolution: you could declare, if you like, that on and after five years every officer should be an Indian. It might sound popular, but in practice when worked out you knew perfectly well that in five years they would not be competent to take that position, not because they would not be competent because they were Indians but because they would not have the necessary experience."

[Captain Sher Muhammad Khan Gakhar.]

My Honourable friends should appreciate this fact, that without experience and experiment there can be no step forward towards Indianisation.

It was with this object in view that His Excellency the Commander-in-Chief, when addressing the Indian Military College Committee in Simla, declared that an immediate start would be made to Indianise a complete Division of the Indian Army of all arms. It was a very wise step taken by him. He could very easily have declared that a start would be made with two or more Divisions, but that would have jeopardised the safety of the defence of India. He could not sacrifice competency and experience simply for the desire of accelerating the pace of Indianisation. It is pleasing to see that Government have promised to accelerate Indianisation when the experiment with the Indianised Division is completed. By that time the young officers now in the Army would have assumed command; and in the words of His Excellency:

"With fourteen years' service, I feel convinced that these young officers will have shown themselves fit or not fit and it will then be an easy matter to increase Indianisation because by that time the Government will have no doubt in their minds as to whether they are conducting an experiment or building up an Indian Army that will be a reliable instrument for carrying out the onerous duties of the fighting forces in India."

I, once more, repeat what I have said above, that it would be simply useless and highly dangerous to determine a period of Indianisation unless we were certain that, "Indianisation which was dependent on competency and experience would materialise by the experience that would be gained in that time".

So much for Indianisation of the Army. I now venture to make a few remarks on the elimination of Viceroy's Commissioned officers of the Indian Army under the new scheme about which my Honourable friend Sirdar Harbans Singh Brar was very anxious. I was at one time against this elimination; but on deeper thought I have come to the conclusion that the existence of this class of officer in the Indianised units would be unnecessary. The reasons are not far to seek. Under the present system a sepoy joining the Army hopes to receive the Viceroy's Commission after putting in a long service of say about 15 or 20 years; but in the Indianised unit he would hope to secure the King's Commission within a comparatively short period of about three or four years, which he could never dream of otherwise.

Sirdar Harbans Singh Brar: Only if he is well educated in English.

Captain Sher Muhammad Khan Gakhar: Yes, that is right. It is argued that the abolition of the Viceroy's Commission would work as a check upon the flow of the low-educated Indians to the Army, and my Honourable friend said that the sepoys will be discontented and they will be disappointed to learn that the Government have eliminated the Viceroy's Commission, but I do not agree with him. I cannot agree with this view, for the process will be so slow and gradual that no one will feel it. Moreover, it will serve as an impetus to better and higher education among the people who now join the Army. However, to lessen such apprehensions, I would most strongly suggest the Government should create Warrant Officers' rank, for example Battalion Havildar Major, Battalion Quartermaster, Havildar, etc., as in the British Army for men who would not have sufficient education to receive the King's Commission.

Sir, last but not least I wish to raise the point, the question of martial and non-martial or what are sometimes known as enlisted and non-enlisted classes of the Indian Army. I have every sympathy with the non-enlisted classes, and I, for one, whole-heartedly wish that they should be afforded the opportunity of building up a military career. But it would not be wise to allow them to join the ranks without any restrictions. An experiment may again be made. I am glad to see that the Indian Military College Committee have done away with this distinction; but still I consider it of utmost importance for the military authorities to see that the College or the Army is not unduly overcrowded by the young men of the non-enlisted classes.

I reiterate what I said at the Round Table Conference that if the Army of New India is to be efficient, it must contain the flower of its manhood. It must contain men who are determined and prepared to die, and not logicians, to whom mere abstractions make greater appeal than solid realities. Hence the martial races and the martial provinces must be specially utilised for the purpose. This seems to me to be an indispensable preliminary to any successful experiment in the creation of a national army.

One thing more, Sir, and I have done. Government have been blamed for the creation of a distinction between the martial and the non-martial classes. In the minute of dissent of Sir C. P. Ramaswami Aiyar and Major-General Rajwade appended to the Report of the Indian Military College Committee they say:

"This policy was founded not so much upon the innate differences in the characteristics of the people as upon the distrust engendered by the participation of particular classes of soldiers in the Mutiny. Recruitment to the army was determined by the opinion of the military authorities as to the reliability or otherwise of particular classes of people for loyalty to the Government."

Now, Sir, this is absolutely wrong and misleading. There were times when Mahrattas, Gurkhas, Sikhs and other martial classes fought against the British; but they were not debarred from entering the Army on this account. I belong to the famous Gakhar tribe of the Punjab, and my tribe also fought against the British, but Government have never objected to our enlisting in the Army; on the other hand our young lads are accepted with pleasure and are honoured.

Now, Sir, one word more about education. My Honourable friend Mr. Yamin Khan pressed this point. There are already existing three what we call King George's schools at Jhelum, Jullundur and Ajmer. There the sons of sepoys and Indian officers get practically free education.

Maulvi Sayyid Murtuza Saheb Bahadur (South Madras: Muhammadan): None in Southern India where there are thousands and thousands of Moplahs.

Captain Sher Muhammad Khan Gakhar: Recently Government have sanctioned one English teacher for each school specially to teach the English language to the boys, because the idea is that boys from these schools will go to the Kitchener College which has been started at Nowgong. And with a complete knowledge of English from this College, these boys will be prepared to take part in the competition or to be selected for the King's Commission to be trained at the Dehra Dun Military Academy. With these few remarks, Sir, I resume my seat.

Hon. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official): Sir, the Honourable the Mover has done a real service to the country generally and to the martial classes in particular by drawing attention to this most important subject. He has made out a good case

[Hony. Capt. Rao Bahadur Chaudhri Lal Chand.]
for speedy action. Government have accepted the principle and we are all grateful for that. The introduction of the Indian Air Force Bill in this House is an earnest of the efforts of Government in this direction. The starting of an Indian Sandhurst at Dehra Dun is proof of the fact that Government mean some business, and the doors are now being opened freely for Indians to be trained in India. There are also the schools referred to by the previous speaker, at Jhelum, Jullundur and Ajmer, for the training of young boys who are sons of Indian soldiers. But the point remains, with what speed are you moving? The speed proposed and the methods suggested and sanctioned are open to very serious objection. The Honourable the Mover has pointed out that the slow rate at which we are proceeding is not commensurate with the aspirations of the people, and I only support him in the desirability of accelerating the speed. Let caution be the watchword and efficiency be not sacrificed, but the present speed needs acceleration.

As regards method. I crave the indulgence of the Honourable Members who belong to the non-military classes to bear with me when I say that there is great discontent among the military classes over the opening of the Army Commissions to non-military classes. Without meaning any disrespect to those non-military classes, I say that if there is anything in the old traditions and old sentiments they are all out of court. India is probably the only country where the distinction of non-military and military classes has existed from times immemorial. The military classes have always been known as Kshatriyas. Their past history is full of heroic deeds and sacrifices for the country. They have defended the frontier; there are families among those classes where for several generations they have contributed their quota at the frontier. They have been tried in many ways both here and outside India. During the Great War they displayed very high qualities of heroism and sacrifices which were characteristic of their forefathers, in the frozen fields of Flanders and burning sands of Mesopotamia alike. The classes which have preferred the pen to the sword and the office chair to the back of the horse are now coming forward to claim an equal share in the higher ranks of the Army. The Government always goes on lines of least resistance and judges the amount of discontent in the country from the articles that appear in the Press, which is all manned by the non-military classes. Government, acting on these easy ways, has agreed to throw open 50 per cent. of Commissions to competition, which does not consist of riding, tent-pegging and the like, but simple arithmetic and composition. This is a very serious inroad on the rights of the military classes. These classes had not got these rights and privileges by mere chance or on account of any favour. They shed their richest blood in securing this monopoly. In the name of those brave soldiers who laid down their lives for the upholding of the supremacy of democracy over autocracy, in the name of those brave sons of India who left the shores of India from 1914 to 1918 never to return to their motherland, I appeal to Government not to forget these sacrifices and promises so soon. Even this very House in 1923 accepted the principle that the officer ranks should be given to those classes in proportion to the number of recruits they supply. So far that is one defect in the methods that have been sanctioned by Government.

Another defect is the abolition of the Viceroy's Commission in future as has been so rightly pointed out by our friend Sirdar Harbans Singh.

Sir, if the officers' ranks had not been thrown open to the non-military classes, I would not have brought this point forward. But as I find that future recruitment to the officers' ranks will be based on knowledge of arithmetic and mensuration, the military classes will find themselves greatly handicapped. Every despatch is full of the graphic accounts of the deeds of these brave Indian Officers; and their abolition, without even giving them a chance of a hearing, is being greatly resented, not only by them but by the military classes as a whole. If they have done well in the past as a connecting link between the rank and file and the officers, there is no reason why they should not be allowed to do so in future also. So, this decision, if it has been arrived at already, should be reconsidered. The methods employed in effecting Indianisation of the Army remind me of an old story of Kashmir State. Probably it was the grandfather or great grandfather of the present Maharaja who was approached by the people, who said that it was not proper to spend money on Dogras and Sikhs in forming his army, and it was pressed upon him that an army of Kashmiris should be raised. The Kashmiris are very fine-looking fellows; they could carry heavy loads on their backs and being so hardy, the principle was agreed upon. A battalion was raised and with their military uniforms they looked very nice and smart when they went up hill and down hill; and after a year a report was made in the durbar to the Maharaja that the unit was ready for action. The Commandant of the battalion saluted and made this report himself. The Maharaja at once ordered that they should be ordered to relieve a Sikh battalion which was serving on the Gilgit frontier. The Commandant, instead of retiring, saluted him again and the Maharaja looked at him and became furious. "What is it you want now" he asked, "Why do you not go back?". The Commandant said, "I want half a dozen Sikh sepoy to guard my armoury at night". The Maharaja was very furious; but the Commandant was pressing, saying that it was in the interests of the State and of the Maharaja himself that he was asking for these sepoy and that it meant only about a hundred rupees a month which was not much, and further that the whole army would remain safe. The result was that the Maharaja ordered the battalion to be disbanded at once.

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

In the pre-Reform Council of the Punjab I had been pressing for a share for the zemindars in the public services of the province. A Committee was appointed in order to survey the situation in the province and I was on that Committee. Sir John Maynard presided and it was proposed that a survey of all services should be taken in regard to the present occupants whether they were zemindars or non-zemindars; and the President asked me, as it was at my suggestion that the Committee had been appointed, whether the zemindars were willing to give up any particular service in the province, and I at once said, and my zemindar colleagues in the Committee agreed, that we did not want to be treasurers and accountants and those services were given up to them. About other services our share was defined, but those services were left to the non-military classes. Similarly the Army is our monopoly; and if that is taken away, not only will the Indian Army be discontented, but the efficiency will suffer. Pray, do not play with the whole of the Army; if you want to try an experiment, let the Government begin with one unit and one battalion be raised separately from non-military classes

An Honourable Member: The territorials are raised already from those classes.

Hony. Captain Rao Bahadur Chaudhri Lal Chand: The territorials are not a mixed unit, they are not solely of the classes that do not go in for soldiering. The history of the Punjab University Corps and the Bengal Company is fresh in our minds, and so it is no use getting old history repeated. My point simply is this: that the speed should be accelerated and the methods adopted should be revised. The military classes should not be deprived of the monopoly that they have enjoyed; they have earned it on account of their past sacrifices not only during the British period, but from the Hindu period onwards.

An Honourable Member: Whose battles are you fighting?

Hony. Captain Rao Bahadur Chaudhri Lal Chand: We are fighting for the King and country.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhamadan Rural): Sir, I had no intention to take part in this debate, but I am tempted to say a few words due to the offensive and senseless remarks of some of the Members from the so-called military classes. Some of these people fight for a mere 20 rupees, and they are speaking ill of other Provinces. When the British came to India, where were these military classes? They had to recruit soldiers from Madras and from Bengal: the famous red army consisted of Madrasis and Bengalis who conquered some parts of India for the British. Now, for some reasons or other—for political reasons—they have ceased recruiting men from these intelligent classes and confine recruitment to less advanced communities. Warfare nowadays does not depend so much on mere muscle; it requires brains. The time for warring with mere swords, one man going for another man like brutes, has passed; even in the last war it was found that it was the brain and the better organisation that won and not brute force or animal energy

Hony. Captain Rao Bahadur Chaudhri Lal Chand: Let the penal laws be withdrawn for two days only, and then you will see the result.

Mr. S. C. Mitra: These gentlemen have had a chance of speaking, and now they will allow me my few minutes to reply to them. I am ready to accept the challenge. Bengal will take care of itself. Had it been mere muscle that could have won the war, I think some of the gentlemen who espouse the cause of the martial races could offer some argument. What are these brave people they are speaking of? What is the origin of the brave Sikhs? Guru Govind Singh, for political reasons, trained mere cultivators, and they gradually grew to be very heroic and self-sacrificing. I do not find fault with the military races; but what I ask is, what really makes people military? When the British used to recruit soldiers from the United Provinces, the United Provinces Brahmans and Khatrias were considered as the military races; my friend, Mr. Gaya Prasad Singh, who comes from a military race, is a Khatri but now Government has ceased recruiting from these Provinces. According to that

brave hero over there, all other races are non-military, as if in England and America and Europe they come to India to recruit their soldiers from the so-called martial races! In all the world over there is no special martial class. I am not at all against giving some preference to these people who have got vested interests, being in the military classes; but when they make a fetish of this theory of martial races, I say they make the whole position absurd. There is no such false and frivolous theory of martial races anywhere else in the world. Are these martial races? What country are they governing now by their heroism? They are slaves, and they are helping to make other nations slaves in the whole of Asia. When there is trouble or war in China, these so-called mercenary military people go for 20 rupees and shed other people's blood. I could understand their bravery and their heroism if they were independent and stood on their own legs at least in their own country.

Hony. Captain Rao Bahadur Chaudhri Lal Chand: Can a Bengalee regiment be raised for China?

Mr. S. C. Mitra: If they speak of heroism and fearlessness, I can cite any number of cases. Even our Bengalee girls are much more heroic than some of these stalwarts who come and boast here of their

Hony. Captain Rao Bahadur Chaudhri Lal Chand: I rise to a point of order, Sir. The word "heroism" has been used in connection with terrorism. Firing upon the civil population is not a heroic deed. Heroism has to be shown in fighting battles. This is cowardice.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): That is not a point of order.

Mr. S. C. Mitra: I merely wanted to point out that it requires more of brains than of bulk and muscle in these days in warfare. My point is, if for any purpose Government want to make a class martial they can do so; by recruiting men from Bengal, Madras or from Bombay, they can create a martial class within a few years because, after some time, the people will get the necessary training and they will become a martial class. Martial instincts are not confined to the people of the Punjab or the North-West Frontier Province alone; there are martial classes all over India and all over the world. Therefore, I say that, not that India is going to have full Dominion Status, Government should pursue the policy of recruiting and training men from all provinces and from all classes of people in India, but if unfortunately some of our friends argue the case in the manner they have done, I think the motion of my Honourable friend Mr. Yamin Khan, which is very proper and reasonable may be lost in this House.

Mr. G. M. Young (Army Secretary): Mr. President, I do not propose to follow the last speaker into his somewhat unfortunate digression, because it is not disputed in this House that the provision that Government are making for the Indianisation of the officer ranks of the Army includes ample representation of the non-enlisted classes. I will, therefore, confine my observations to the subject-matter of the motion before the House.

[Mr. G. M. Young.]

In rising to take my part, for the sixth year in succession, in the debate on the Army, I find myself in an unfamiliar but not altogether uncomfortable position. Throughout the strenuous debates that we have had for the last five years on this subject, I have come to regard two very formidable lines of attack hitherto as inevitable. One of these was the attack on the level of military expenditure, based upon the well-known figure of 50 crores laid down by the Inchcape Committee. So long, Sir, as military expenditure was above that level, I found it very difficult, in fact impossible, to satisfy Honourable Members opposite that Government had every intention of ultimately coming down to that figure. As the House is now well aware, the Budget figure for this year is several crores below the ultimate aim recommended by the Inchcape Committee. Whether it will remain at that figure or not, of one thing we may be tolerably certain, that we shall never see a Military Budget, in peace time, of as much as 50 crores again. My Honourable friend Mr. Yamin Khan, the Mover of the motion, has accordingly very wisely confined the scope of this debate to the other burning topic that always comes up in the course of the discussion of the Army Department grant, namely, Indianisation. Here again the main attack that I have experienced in the last five years has been based upon a figure laid down by a Committee. The figure this time was not a monetary figure; it was a date. The Indian Sandhurst Committee, better known as the Skeen Committee, recommended that an Indian Military College should be established in the year 1933. The Government at the time were unable to commit themselves to this recommendation, and their refusal to do so aroused a storm of impatience and condemnation. It was in vain that I, and other speakers on behalf of Government, endeavoured to point out that Government did not say that there would not be an Indian Military College in 1933; they said it might be possible to have it in that year, it might not be founded till later, or it might even be founded earlier. This last suggestion was received with frank incredulity and I well remember a Member of this House drawing a picture of myself running about in the year 1932 with bricks and mortar, in order to slap up as quickly as possible a building for the Indian Military College, if it were decided to establish one in 1933. Well, Sir, we have the building, we have decided to found the college; the first examination will take place in July next, and the college itself will open early in October of this year. (Applause.) We shall hear no more of the year 1933 in connection with the establishment of a military college, just as we shall hear no more of the figure of 50 crores in connection with our Military Budget.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): No credit to the Government of India.

Mr. G. M. Young: I followed very carefully the speech of my Honourable friend Mr. Yamin Khan. I wondered what it was that he was trying to impress upon Government. Towards the close of his speech I gathered that what he was advocating was the total cessation of recruitment of British officers to the Indian Army. Sir, nobody who has the efficiency of the Indian Army at heart could for a moment entertain such a suggestion. Government are all for accelerating the pace of Indianisation to the greatest possible measure consistent with efficiency, but to stop all recruitment of British officers to the Indian Army would lead to disaster.

I should like, however, to take this opportunity of informing the House of what has been done in the last few years. My Honourable friend spoke as if nothing had been done since the memorable debate in which he took part in this House in 1923; but of course that is not the case. Let me go back for a little while to the publication of the Skeen Committee's Report and the debates that took place in this House at that time. There were then only 10 vacancies available for Indians at Sandhurst. There were no commissions for Indians in the Artillery or the Engineers or the Signals; there were no vacancies for Cranwell, that is to say, there was no means of entry for Indians into the Air Force. Even the 10 vacancies for Sandhurst had not been regularly filled. I think I am right in saying that in no one year could we get all the candidates that we wanted, although we were allowed to carry over from one year to another. The average for some years was 6 or 7; it sometimes dropped to 2 or 3. As a result of the deliberations of Government on the Skeen Committee's Report, the number of vacancies at Sandhurst was raised from 10 to 20, Woolwich was thrown open to Indians for the first time, and vacancies were also thrown open to Indians at Cranwell for the Air Force. We also established a competitive examination in this country (previously the examination had been a closed one), and in accordance with one of the recommendations of the Skeen Committee we took all possible steps to make the new facilities for Indian candidates intending to join the Army known throughout the country. The fact that we did so was amply proved by the number of applications that we received from every corner of the

country. The first results were not quite as satisfactory as we had hoped. In the first half-yearly examination 7 boys, I think, out of 10 passed for Sandhurst, none for Woolwich, and none for Cranwell. In the second examination, we had 10 for Sandhurst, none for Woolwich and none for Cranwell. In the third examination the results were better. Not only did we fill the ten places for Sandhurst, not only did boys successfully pass for Cranwell and Woolwich, but we had for the first time a number of boys who qualified but did not succeed in obtaining places, that is to say, we had, for the first time, effective competition. In the next half-yearly examination the result was not so good, but still steady progress was made, with the result that by 1930 the Government of India in their despatch to the Secretary of State on the Simon Commission's Report, definitely recommended further expansion in the rate of Indianisation of the Army, and also revived the question of the establishment of an Indian military college, with the result that we all know. With the inauguration of the Indian Military College, the number of vacancies has been increased from a maximum possible of 37 to 60. The number of units selected for Indianisation has been expanded so as ultimately to form a complete division of all arms and a cavalry brigade. This progress I think will be admitted by Honourable Members to be considerable, and it has been done in what I venture to suggest is the only possible way, that is, not by laying down a time table or programme for a definite number of years ahead, regardless of what might happen in the meantime, but by looking forward as far as it is safe to look forward, and deciding then to halt and take stock of the position and consider what the next step should be. The successive steps that have been taken were at intervals of about five years. It was 5 or 6 years, from the time that Indians first went to Sandhurst, to the recommendations of the Indian Sandhurst Committee. It is about 5 years from the time those recommendations were submitted to the Government till to-day. Five or six years hence will be the time for the

[Mr. G. M. Young.]

next move; and it is precisely that time to which His Excellency the Commander-in-Chief referred last year in his inaugural address to the Indian Military College Committee. He then said as follows:

"At the present moment, the young Indian officers in the eight units have seven years' service. This is obviously not long enough for us to tell whether they are going to be fit to administer and train a unit in peace and lead it in war. In seven more years, however, they will have had fourteen years' service, and by that time I feel pretty certain we shall be able to give a definite opinion whether they are going to be a complete success or not; and we need not wait until a further seven years, which would bring young officers now in the Army up to 21 years' service and approaching the time when they would command units, before we decide to carry the experiment further."

I submit, therefore, that Government are proceeding in the most expeditious as well as the most effective manner, to expand Indianisation in the Army; and that it would not be better to adopt proposals which have been put forward several times in the past for a regular programme of Indianisation extending over a period of 25 or 30 years; still less would it be better to adopt the proposal of my Honourable friend and close down British recruitment altogether.

I pass on to a subject which has exercised the minds of a good many of those who have taken part in the debate, namely, the prospects of the Viceroy's Commissioned officer, and of the rank and file of the Indian Army who have hitherto entered the Army in the hope of attaining to Viceroy's Commission rank. Now, this problem has exercised the mind of Government ever since it was originally decided,—now nearly five years ago—that in an Indianised unit you can only have one type of commissioned officer. I need not go into that controversy again, but the Government of India realised that if you started regimental establishments on the British pattern in Indian units with some 28 full King's Commissioned officers, the need for the Viceroy's Commissioned officer would clearly disappear, and something would undoubtedly have to be done to keep the prospects of the rank and file at least as good as they were before. In their despatch of September, 1930 on the Simon Report, the Government of India, in speaking of the conversion of the officer establishments to the British pattern, said:

"It will then be necessary either to set apart more units for Indianisation or to begin the conversion of the officer establishment to the British pattern, or to introduce a combination of both these measures. We have not yet decided which procedure we shall adopt. An important factor in the decision must naturally be the necessity of securing the rights and prospects of the Viceroy's Commissioned officers, and of the sepoy and sowars who enter the army with the ambition of being promoted to Viceroy's Commissioned rank."

Now, I will try and explain to the House exactly what the prospects amount to, and what we hope to be the effect of the measures that we have introduced. In the first place, we have time on our side. It will be some time yet before the first Indian King's Commissioned officers under the new system is posted to an Indianised unit in a place hitherto reserved for a Viceroy's Commissioned officer. The first batch of cadets will enter the Military College next October. Half of them will be men who have themselves come from the ranks of the Army. Their course at the College will be for 2 years. After that, they will be attached for one year to a

British battalion, and then join their unit in the Indian Army. Some of them no doubt will occupy places hitherto reserved for Viceroy's Commissioned officers, but that will not be till the autumn of 1935, and the boys who in this way displace Viceroy's Commissioned officers will themselves have come through the ranks. The same will apply to the next half-yearly entry, in the summer of 1936. In the autumn of 1936 the first Indian officers who entered the Indian Military College by direct competition will be posted to their units, and it will not be till then that any one who has not himself been through the ranks of the Indian Army will find himself in a position hitherto reserved for the Viceroy's Commissioned officer. I think Honourable Members will agree

Mr. B. V. Jadhav: Is that distinction desirable between those who go to the Military Academy through the ranks and those who go through direct examination?

Mr. G. M. Young: I do not think I can go into that question now. It was a question to which the Committee and the Government gave a great deal of thought. They ultimately decided that Indians who enter through the ranks will require only a two years' course at the College, as distinct from the three years required for those who enter by open competition. I am now merely explaining what will be the effect on the posts which have hitherto been held by Viceroy's Commissioned officers. Then, we must remember that the post of Viceroy's Commissioned officer will continue for a very considerable time in the other regiments and battalions which have not been selected for Indianisation. Broadly speaking Indianisation will proceed in all probability by units within groups, and the other units of the same group will still be officered for some time on the old pattern of British officers and Viceroy's Commissioned officers. It will therefore be possible to space out the total number of posts of Viceroy's Commissioned officers in such a way as to provide for the promotion of non-commissioned officers from the Indianising units, who would under the old system have aspired to the post of Viceroy's Commissioned officer in their own units. Then, besides that, as Honourable Members know, half the vacancies every year are to be reserved for Indian Army cadets, that is to say, cadets who enter through the rank of the Indian Army. Although, as my Honourable friend Sirdar Harbans Singh did suggest, that will not bring in the same class of person as now hold the Viceroy's Commission, we do hope that, by means of the King George Schools and by encouragement of the enlisted classes to educate themselves up to the standard required for King's Commissioned officers, in time we shall get a continuous flow of officers fully qualified to take the King's Commission, and that the number of men in the ranks who could not hope for anything beyond the Viceroy's Commission will steadily decline. The enlisted classes as a whole will certainly not suffer by the change. I have no hesitation in saying that their prospects will be better than they have been before. My Honourable friend Captain Sher Muhammad Khan made a suggestion for the creation of the posts of Warrant Officers. That suggestion is at this moment under consideration. I am unable to make any definite statement about it; but it is obviously a suggestion that has to be considered in any re-organisation of the officer establishments of the units of the Indian Army, so as to bring them into line with those of the British Army.

[Mr. G. M. Young.]

I do not think I need weary the House any more. I have dealt fully with the one aspect which has found expression to-day in the course of debate, namely, the prospects of the rank and file of the Indian Army under the new conditions. I should like to repeat the assurance that Government will always keep the interests of that class in mind, whatever may be the future course of Indianisation in the Army.

Mr. B. V. Jadhav: I was very sorry to see that some bitterness was introduced into the discussion on this cut by unnecessarily bringing in the question of martial and non-martial races. I belong to an acknowledged martial race and therefore I do not lay myself open to a charge of partisanship when I say that the distinction now sought to be made is not at all desirable. In the history of India, we shall find that every race has distinguished itself at some time or other as opportunities occurred. Even in Bengal, which is now looked upon as a non-martial province, there were big kingdoms and people have fought there and have raised their armies. I do not think I need pursue this unprofitable subject. The Government of India have decided to admit eligible young men, whatever community they may belong to, if they find them suitable for the Army and I think that has been a very wise decision. My friend the Army Secretary has given a succinct history of the Indianisation of the Army and therein he has tried to justify the present decision of the Government of India to do away with the Viceroy's Commissions as far as the Indianised units are concerned. I may point out that, however, necessary or wise that resolution may be, it will work to the prejudice of the best interests of India. In the first place this new decision will retard the rate of Indianisation. Up to this time 12 King's Commissioned officers were required to fully Indianise a battalion. Under the present resolution no less than 28 King's Commissioned officers will be required for that work, which means that the rate of Indianisation will be retarded by two and one-third times. That is one objection to the scheme. Another objection to the scheme is that it will prove very costly from the very beginning and the cost will increase as Indianisation proceeds. The 16 or 17 Viceroy's Commissioned officers are paid a very moderate salary every month. All of them will have to be replaced by King's Commissioned officers who will be getting at least 400 or 500 rupees a month. So the total expenditure on this branch will be a very heavy item when all the units are ultimately Indianised, and in this way the expenditure on the Army will be very materially increased. Praises have been sung here and the pages of the military history of India are replete with the efficiency and the brave deeds of the Viceroy's Commissioned officers ever since that service was instituted. If they were quite efficient all these years and if they have done valuable service in the Indian Army, there is no reason why they should now be dispensed with and their places should be given only to King's Commissioned officers. As I pointed out just now, the introduction of that system will retard Indianisation nearly three times, and at the same time it will entail very heavy expenditure. Hopes are held forth that new posts of warrant officers will be created in order to satisfy the higher aspirations of those men who have now enlisted in the battalions which are going to be Indianised. That too, I may point out, will entail further expenditure and the Indianisation on the whole it appears is going to cost the treasury of a very heavy amount. Sir, we always press for Indianisation with

the object that when any department is Indianised, it will save something to the country. But the policy of the Government has always been to increase the expenditure. I had no opportunity of speaking yesterday, but I was going to show how in every department where Indianisation was attempted, the Government have always increased the expenditure and did not take proper care to reduce it. So in the case of the Army too, I am afraid, they are going to follow the same policy of increasing expenditure in the name of Indianisation. I have pointed out that by the abolition of the Viceroy's Commission the expenditure on the officers' pay bill will be very heavily increased and if, as was given out by my friend, Captain Sher Muhammad, warrant officers are to be also added, then again further expenditure will be entailed. As for the question whether a Dominion Army should be raised, I ought to say a few words. A dominion or provincial army, Sir, as has been described in the Simon Report, will be the ruin of India. (*Some Honourable Members:* "Why?") Do we expect that the autonomous provinces in the near future are to fight with each other with their own armies under their own commanders? (Laughter.) If these provincial armies are raised, they will be under the orders of the Provincial Governments with the Member in charge or the Minister in charge. There will be some differences with a neighbouring province and ultimately that may lead to a war. If India as a nation is to go ahead, then there ought to be a unified army under a unified command, and I do not subscribe to the view that there should be a provincial army for every province

Mr. C. S. Ranga Iyer: Sir, when I used the phrase "Dominion Army", I was referring to a Dominion Status for India, and was speaking of India as a Dominion and not as a province!

Mr. B. V. Jadhav: I am very glad my Honourable friend, Mr. Ranga Iyer, does not want a provincial army, but that he is claiming a Dominion Army. If the whole of the Indian Army as now maintained by India is to be called a Dominion Army, I have no objection.

As for the suggestion that there should be a military college for every province, I may point out that it calls for very heavy cost, and besides so many officers are not wanted. All the officers passing out of a military college have the prospect of being employed in the Army, and the Sandhurst College in England is now sufficient to turn out all the officers required for the whole of the Indian Army. In the same way, the new academy at Dehra Dun will in time be able to supply officers for the whole of the Indian Army. There will be no necessity of having another college, because we in future look for reduction in the Army. And if the size of the Army is going to be reduced, then to that extent the number of officers will have to be reduced at the same time. So I do not support the idea of having a military college in every province. We do want Indianisation, and that, as I say, for the purpose of reducing expenditure. But the whole system of English military education and the military career of the cadets are very expensive. Lieutenants are paid very high salaries from our point of view. But the Lieutenants recruited in England do come from very high and rich families and they have very expensive habits and we know that many of these—at any rate a very large proportion of the English

[Mr. B. V. Jadhav.]

Lieutenants and Captains—are indebted to the *banyas* in the bazaar. (Laughter.) (Captain Sher Muhammad Khan Gakhar: "Their salary, evidently is not enough.") And I know that even the Indian cadets, after they leave to Sandhurst and come back, and are serving in the Army, are in the same sad plight. There is a son of a friend of mine who is an officer in the Army. Although the boy is a very well-behaved boy and does not drink or smoke, still he finds it difficult to make both ends meet, and his father has to supply him with a few hundreds at the least at the end of every year. (Captain Sher Muhammad Khan Gakhar: "Then they are not adequately paid.") Certainly not, according to the ideas of Captain Sher Muhammad Khan. But I think they are more highly paid than the Captains and Lieutenants in the German or the French or the Japanese Army: and if these men are to do the work which the Viceroy's Commissioned officers have been doing up to this time, then I do not understand why they should run into debt and adopt extravagant habits of life in order to keep up their position. With these words, Sir, I would like to support the cut.

An Honourable Member: I move that the question be now put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Chair would like to ascertain the wishes of the Honourable House as to when they wish to adjourn to-day. Honourable Members are aware that in accordance with the arrangement which has been arrived at, this motion must conclude to-day either by taking it to vote or by being talked out. Either alternative is open to the House. But the Chair would like to be enlightened as to when the House proposes to adjourn to-day. The Chair is asking this question because at the conclusion of Mr. Jadhav's speech, about half a dozen Honourable Members stood up to address the House. If each one of them is to get a chance to take part in the discussion, the House will have to sit till a very late hour. The Chair is entirely in the hands of the House as to what their wishes are. (Cries of: "Let the House adjourn at half past four." "A quarter to five.") Well, one Honourable Member has asked for a closure. I take it that the House is agreeable to my accepting the closure. (Voices: "Yes.") I accept the closure. The question is:

"That the question be now put."

The motion was adopted.

Mr. President: Now I want to know if the Honourable Member, Sir George Schuster, wishes to reply.

The Honourable Sir George Schuster: No, Sir.

Mr. President: Mr. Yamin Khan. I hope the Honourable Member will not be very long.

Mr. Muhammad Yamin Khan: Sir, I wanted to hear during this debate the views of all the Honourable Members of this House, but unfortunately the time at my disposal has not been very

long. I was sorry to see that there had been some kind of a conflict of opinion on such a resolution, or some kind of heated discussion on such a question which should I think have got the support of the whole House. If I did not get support for my Resolution in 1923, I expected at least that in 1932, the whole House would support my Resolution. (An Honourable Member: "Press it to a division and we will vote for it.") Now I find my motion has not been opposed by Government, and that it has met with a very cordial reception from my Honourable friend, the Army Secretary. I had of course met with a good reception even in 1923 from the late lamented Lord Rawlinson, who was a great friend of mine, at that time. But for this incident, there should not be a feeling of heart-burning of the nature that we have witnessed, nor should the feelings run so high on such serious questions. Personally, I feel very sorry for this. If anything is said on either side which has been offensive, then I am ready to apologise on behalf of my friends on one side or the other. I think when they give their minds to such serious affairs, they should for the time being forget their own feelings, but should coolly and deliberately think on the point under discussion only. I know from the way the House has expressed itself that it is really fully supporting me. I do not want the vote of the House, which is really quite explicit because I know that the House is with me even if I do not divide it. What I really wanted was the expression of the feelings from different sides of the House, and also I wanted to see whether they receive my suggestion well or not. Sir, it has been urged by me that in future the recruitment of the officers in the Indian Army should be entirely from amongst Indians. That is the only principle. I am convinced that even the Government will accept this advice but perhaps after some time. I may tell Government that it is better to act a little too early rather than to act a little too late, which is not right.

Sir, as the House had expressed its desire that we should adjourn at half past four, and as I have already exceeded the time limit by two minutes, I would like to conclude my remarks as I do not want that the Members who are to be entertained by you after half an hour should be deprived of their entertainment in any way. I do not think, therefore, Sir, that it will serve any purpose if the motion is put to the vote of the House.

Mr. President: Order, order. Does the Honourable Member ask the leave of the House to withdraw his motion or does he want the Chair to put the question?

Several Honourable Members: Put the question.

Mr. Muhammad Yamin Khan: I do not withdraw.

Mr. President: The question is:

"That the demand under the head 'Executive Council' be reduced by Rs. 100."

The Assembly divided:

AYES—63.

Abdul Matin Chaudhury, Mr.
 Abdur Rahim, Sir.
 Ahmed, Mr. K.
 Anklesaria, Mr. N. N.
 Anwar-ul-Azim, Mr. Muhammad.
 Azhar Ali, Mr. Muhammad.
 Bhuput Singh, Mr.
 Chand Mal Gola, Bhagat.
 Chinoy, Mr. Rahimtoola M.
 Das, Mr. A.
 Das, Mr. B.
 Dudhuria, Mr. Nabakumar Sing.
 Dutt, Mr. Amar Nath.
 Fazal Haq Piracha, Shaikh.
 Ghuznavi, Mr. A. H.
 Gidney, Lieut.-Colonel Sir Henry.
 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.
 Jog, Mr. S. G.
 Joshi, Mr. N. M.
 Lahiri Chaudhury, Mr. D. K.
 Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
 Liladhar Chaudhury, Seth.
 Maswood Ahmad, Mr. M.
 Misra, Mr. B. N.
 Mitra, Mr. S. C.

NOES—39.

Acott, Mr. A. S. V.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Baksh Khan Tiwana, Khan
 Bahadur Malik.
 Allison, Mr. F. W.
 Azizuddin Ahmad Bilgrami, Qazi.
 Bajpai, Mr. R. S.
 Banerji, Mr. Rajnarayan.
 Brown, Mr. R. E.
 Clow, Mr. A. G.
 Cocke, Sir Hugh.
 Cosgrave, Mr. W. A.
 Crerar, The Honourable Sir James.
 Dalal, Dr. R. D.
 Fox, Mr. H. B.
 French, Mr. J. C.
 Graham, Sir Lancelot.
 Gwynne, Mr. C. W.
 Heathcote, Mr. L. V.
 Howell, Sir Evelyn.
 Jawahar Singh, Sardar Bahadur
 Sardar.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 17th March, 1932.

Mody, Mr. H. P.
 Muazzam Sahib Bahadur, Mr.
 Muhammad.
 Mujumdar, Sardar G. N.
 Munshi, Mr. Jehangir K.
 Murtuza Saheb Bahadur, Maulvi
 Sayyid.
 Neogy, Mr. K. C.
 Parma Nand, Bhai.
 Patil, Rao Bahadur B. L.
 Puri, Mr. Goswami M. R.
 Raghubir Singh, Kunwar.
 Rajah, Rao Bahadur M. C.
 Rajan Bakhsh Shah, Khan Bahadur
 Makhdum Syed.
 Ranga Iyer, Mr. C. S.
 Rastogi, Mr. Badri Lal.
 Reddi, Mr. T. N. Ramakrishna.
 Sadiq Hasan, Shaikh.
 Sant Singh, Sardar.
 Sarda, Diwan Bahadur Harbilas.
 Sen, Mr. S. C.
 Sen, Pandit Satyendra Nath.
 Sher Muhammad Khan Gakhar, Cap-
 tain.
 Singh, Mr. Gaya Prasad.
 Sitaramaraju, Mr. B.
 Suhrawardy, Sir Abdullah.
 Sukhraj Rai, Rai Bahadur.
 Thampam, Mr. K. P.
 Uppi Saheb Bahadur, Mr.
 Wajihuddin, Khan Bahadur Haji.
 Yamin Khan, Mr. Muhammad.
 Ziauddin Ahmad, Dr.

Macqueen, Mr. P.
 Moore, Mr. Arthur.
 Mukherjee, Rai Bahadur S. C.
 Nixon, Mr. J. C.
 Noyce, Sir Frank.
 Rafiuddin Ahmad, Khan Bahadur
 Maulvi.
 Rainy, The Honourable Sir George.
 Rama Rao, Diwan Bahadur U.
 Rau, Mr. P. R.
 Ryan, Mr. T.
 Sahi, Mr. Ram Prashad Narayan.
 Schuster, The Honourable Sir George.
 Scott, Mr. J. Ramsay.
 Seaman, Mr. C. K.
 Studd, Mr. E.
 Sykes, Mr. E. F.
 Tait, Mr. John.
 Wood, Sir Edgar.
 Young, Mr. G. M.

LEGISLATIVE ASSEMBLY

Thursday, 17th March 1932.

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

THE GENERAL BUDGET—LIST OF DEMANDS—contd.

DEMAND No. 28—EXECUTIVE COUNCIL—contd.

Royal Commission on Labour.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I move:

“That the Demand under the head ‘Executive Council’ be reduced by Rs. 100.”

Sir, my object in placing this motion before the House is first to ask the Government of India and their various departments concerned to give me an explanation why the various recommendations of the Royal Commission on Indian Labour have not been given effect to and why in some cases they have been overlooked. And then, Sir, if the explanation given by the various departments of the Government are not satisfactory, I would request this House to help me in making a protest against the delay caused by their inaction. Sir, as you know, the Royal Commission on Indian Labour signed its report about this time last year. It is many months since the report was published, but the machinery of the Government of India, as is well known, unfortunately for us moves very slowly. Up to this time the Government of India have brought forward before this Legislature only a few measures. They brought forward a Bill to amend the Trade Disputes Act in a very minor way. They have brought forward a Bill giving effect to the recommendations of the Royal Commission on workmen's compensation. I admit, Sir, that this is an important measure. They have also brought forward recently a measure regarding the recruitment and repatriation of labourers on Assam plantations. I admit that this measure too is of some importance. But, Sir, the proposals covered by these three Bills are not in the first place the most important, and in the second place, besides these there is a large number of proposals made by the Royal Commission which are not yet touched by the Government of India. I want therefore the Government of India to state in detail what they have done regarding several of the recommendations of the Royal Commission on Labour. It is true that if they try to give a reply as regards each recommendation of the Royal Commission, the time allotted for the discussion of this motion may not suffice. I would therefore like them to state about each important recommendation what they have done so far and how long they will take to prepare their proposals upon each recommendation and place them before the Legislature. Sir, I am one of those people who do not think that we can get things done all at once by methods of revolution. I believe we must accept the fact

[Mr. N. M. Joshi.]

that we can only progress by stages. But if the stages are so slow that we cannot reach our goal within a reasonable time, that slowness will be an enemy of the method which we all like to follow. I would therefore like the Government of India to recognise this fact, that the Royal Commission on Indian Labour consisted of people who recognised that we cannot by revolutionary methods change the conditions in India so far as they affect the industrial workers. There were men who were officers of Government, there were some gentlemen from England, who cannot be accused of being revolutionaries, there were representatives of employers, and men like Mr. Srinivasa Sastri, who are not revolutionaries; and therefore when they made recommendations regarding the improvement of conditions of labour, these recommendations must be regarded as moderate. It is intended that these recommendations should be given effect to at an early date so that the improvement in the conditions of labour which is sought will be effected within a reasonable time, and I may say, Sir, will be effected in time so that those people who believe in revolutions may not become strong and may not gain much strength in this country. Sir, if I attempt to deal with all these recommendations, the time at my disposal will not be enough and it is not necessary for my purpose; but I can only mention a few of the recommendations and would like the Government of India to state what they have so far done within this year and how far progress has been made on each of them. Sir, the third chapter of the report of the Royal Commission deals with employment and unemployment. The problem of unemployment is an important problem and many people have suffered on account of unemployment in our country. The Royal Commission on Labour recognises that there is some unemployment in this country. I want to know what the Government of India have done to consider how unemployment should be met and how the suffering caused by unemployment can be relieved. The Royal Commission on Indian Labour has suggested certain investigations in this matter. I want to know whether those investigations have been started, and if so, when the investigations were started and by what machinery. Then, Sir, the Royal Commission on Labour has made a recommendation regarding the reduction of hours of work in factories. This is a very urgent problem. The hours of work in Indian factories have not changed for more than ten years. I want to know when Government propose to introduce a Bill on that point. The same may be asked about improving the conditions in factories. The Royal Commission on Indian Labour has made several recommendations on that point. The Royal Commission has also made recommendations for securing some kind of inspection and control over those factories which were not controlled so far. They called these factories unregulated factories, and they have made certain suggestions how these unregulated factories should be controlled, and I want to know how far the Government proposals on this point have progressed. Then they have made certain proposals as regards improvements to be made in the conditions prevailing in mines. I want to know why no Bill has so far been introduced in this Assembly on that point.

Then there is the question of the minimum wage. The Royal Commission has asked certain investigations to be made regarding industries which could be brought under regulation for fixing a minimum wage. Then there is the question of deduction from wages by fines. This question has

been investigated by the Government of India and Local Governments and I do not know why there should be any delay in bringing forward proposals to legislate on this question. Then there is the question of health and welfare of the working classes. The Royal Commission has recommended that Public Health Acts should be passed. Perhaps these Acts have to be passed by Local Governments, but I want to know what the Government of India have done in making suggestions to the Local Governments on this point.

Then the Royal Commission has recommended that maternity benefit should be provided to women workers in industries. This question was also discussed in this House some years ago and there should be no difficulty in bringing forward legislation on this point. The Commission has made recommendations as to how we should progress towards the establishment of national health insurance; they have recommended certain investigations to be carried out. I want to know whether a beginning has been made in carrying out these investigations. Certainly some work will have to be done by actuaries, and after the preliminary work is done the Royal Commission has recommended that the Government of India should appoint a committee to go into the whole question and see how far we could provide measures for safeguarding the health of the industrial workers.

Then there is the question of plantations. I am glad that the Government of India have introduced a Bill on one of the points dealt with by the Royal Commission; but the Royal Commission has dealt with several other points. They have recommended the establishment of a minimum wage. They have also recommended several measures for securing good health for the people working on plantations. I want to know what the Government of India have done on that point. I want to know whether they propose to legislate on those questions or not.

Then the Royal Commission on Indian Labour made recommendations about the passing of a Statistics Act. It is a very important thing. In India often we are at a disadvantage for want of statistics. I want to know what the Government of India have done in preparing a Bill for collecting statistics.

These are some of the points which touch the main report of the Royal Commission and they generally are to be dealt with by the Department of Industries and Labour. Then there is one question which is a very important one; I do not know whether the Department of Industries and Labour will deal with it or the Home Department will deal with it; it is the question of the indebtedness of industrial workers. The Royal Commission has made recommendations to prevent indebtedness and to minimise the bad effects of indebtedness of the industrial worker. Some legislation must be passed very urgently, because these industrial workers suffer a very great deal on account of their indebtedness; and the recommendations must be given effect to without delay. Whether the Industries and Labour Department deal with this subject or the Home Department, I want some reply from either of them as to why delay has been caused in giving effect to the recommendations regarding indebtedness.

Then I shall come to some points which are to be dealt with by the Department of Commerce presided over by the Honourable the Leader of the

[Mr. N. M. Joshi.]

House. Some time ago I asked him what the Government of India had done regarding the proposals of the Royal Commission for railway workers. He did not condescend to give me a reply. I would like the Honourable the Leader of the House to tell me today what he has done in order that effect should be given to the recommendations of the Royal Commission for the benefit of railwaymen. It is wrong of him to delay giving effect to these recommendations. I read the other day that the railwaymen are threatening a strike. Under these circumstances if the Royal Commission on Indian Labour have made any recommendations how industrial disputes on railways should be settled, is it not the duty of the Government to give effect to these recommendations without loss of time, and prevent great suffering which the railwaymen may have to suffer and prevent also a great deal of loss of public revenue?

Then I would like the Commerce Member to tell me what he has done so far regarding the Royal Commission's recommendations for the benefit of seamen. The Commission in the first place stated very clearly that the problem of the conditions of seamen on board ships is a very important one, and as it is an important one, it must be investigated; but unfortunately the Commission decided that these foreign-going ships are foreign-owned and therefore they could not deal with that question. I want to know how the Government of India propose to deal with the question of the conditions of life and service for seamen on foreign-going ships. I suggest to them that these conditions must be investigated either by a committee or by a small conference, because the Indian seamen have many grievances regarding this question. Their hours of work are long; their food supply is not adequate and their accommodation is not also adequate. On the other hand, in our own Merchant Shipping Act there is a difference made between the accommodation to be provided for Indian lascars and European crew. I do not know why there should be any difference between Indian lascars and the European crew as regards the accommodation to be provided. I do not even know why there should be a difference between the food to be provided to European workers and Indian seamen. You may make any difference in the articles of food according to the taste of the people in India and the people of England; but why should there be a difference in the quantities of food? Why should there be a difference in the accommodation? The Royal Commission has also made recommendations regarding the recruitment of seamen, and on several other questions regarding seamen. I want the Honourable the Commerce Member to tell me what he has done so far and what he proposes to do.

Then there are one or two other questions which affect Indian seamen. Indian seamen are not allowed to go into certain latitudes. At one time something wrong had occurred on a ship and Indian seamen suffered from cold, and the Secretary of State for India took it into his head that Indian seamen should not be allowed to go into certain latitudes. Since then the place of Indian seamen has been taken by Malaysians and by Chinese seamen, and Indian seamen have lost their employment. I want to know when the Government of India propose to remove that restriction which prevents Indian seamen going into certain of the colder regions. Then there are other grievances of the Indian seamen which I do not wish to discuss on this occasion.

The Royal Commission has also made certain recommendations regarding the department of the Honourable the Commerce Member on the point of conditions of workers in docks. They have suggested that there should be a sort of register of workers in ports to regularise employment, and that there should be certain safety regulations for the workers in docks; and the Royal Commission has suggested that the Government of India should pass legislation enabling Local Governments to make safety regulations. I want to know what the Government of India have done in that matter. The Commission has also suggested that labour interests should be represented on Port Trusts. I want to know what has been done on that point also.

Then, Sir, we know that recommendations have been made in respect of workers engaged in other means of transport such as tramways, buses and other vehicles. I do not wish to go into the details now, but there is only one more point with which I wish to deal, and that point touches the department which is represented here by the Honourable the Foreign Secretary. The Royal Commission on Indian Labour has made a recommendation, and a very strong recommendation too, that in all the provincial and central legislatures, labour interests must be adequately represented. They have given very cogent reasons why labour interests should be adequately represented in the legislatures. I am not going to deal with the constitutional aspect of the question today, but there is one question which is very urgent, and therefore I propose to deal with it today. There is a Legislative Council being established now in the North-West Frontier Province, and from the constitution which has been published, I find that there is absolutely no provision made for the representation of labour interests there. This is clearly against the recommendation of the Royal Commission. There are 40 Members in that Legislature, and out of these 40, I do not see any seats reserved for labour at all. I find that provision has been made for Muslim representation, Muslim rural, non-Muslim representation non-Muslim rural, Sikhs, Landholders, nominated non-officials, nominated officials and for everybody, but there is no provision made whatsoever for labour representation in that constitution. I feel, after having studied the rules regarding franchise, a large number of classes in the North-West Frontier Province will have absolutely no representation, and I will give the Honourable the Foreign Secretary some figures. There are in the North-West Frontier Province farm servants and field labourers numbering about 14,000. I want to know how these people are going to be enfranchised or represented by the provision so far made by the Foreign Secretary. These people will have no representation at all, because the franchise is based upon the land assessment. Franchise is also given to tenants, but certainly it is not given to field labourers and servants, whose number is put in thousands, and I want to know how these people are going to be represented.

Then, Sir, in that province there are about 288,000 people engaged in industry. I quite realise that some of these people may get the franchise by other means, but out of these 288,000 people, there are certainly some who are merely wage-earners or labourers, and I estimate, to err on the safe side, their number cannot be less than 50,000. I should like to know by what method it is proposed to enfranchise these people or give them representation in the North-West Frontier Province Council. Then, out of these people who are engaged in industry, there are about 9,000 sweepers.

[Mr. N. M. Joshi.]

How are they to get representation? Then there are also transport workers consisting of porters and messengers, whose number comes to about 5,000, railway workers about 5,000. Then again there are about 143,000 people engaged in trade. I am not aware of the number of shopkeepers, because I don't represent them, but certainly these shopkeepers may have some servants employed under them, and I estimate their number to be about 50,000. Now, how are all these people to be represented? Then there is the public administration which consists of Government employees, and certainly there are some poor peons and sepoys. How are they going to be represented? Who is going to speak on their behalf in the Legislature? Then there are about 21,000 domestic servants in the North-West Frontier Province, how are these people going to be enfranchised? Then there are also labourers who belong to unspecified categories, and their number is more than 50,000. Out of 22 lakhs of the total population, all the people that I have mentioned numbering more than two lakhs will have absolutely no chance of being represented, and I want to know why these people should suffer in point of representation. They will be paying taxes; they are not going to escape taxation. If their interests lie in the province, why should they not have any representation in the Legislature of the province? I feel, Sir, that the whole question of labour representation has been overlooked by the Government of India and the Chief Commissioner of the province. I therefore want the Honourable the Foreign Secretary to look into this question. There is still some remedy which they could take. There are six seats for nomination—at least. I want to know how these six seats are going to be filled. For whom is this nomination intended? Most of the interests in the province have been adequately represented. I want, therefore, Sir, that these six seats should be reserved for nomination of people who will undertake to represent the interests of the unenfranchised classes, the labourers and so forth and I hope Government will consider my suggestion very favourably and remove the defect in the constitution of the province. Whatever has to be done should be done immediately, and whatever has to be done later on, can be left to be done on a future date, but whatever has to be done must be done without delay.

Mr. President, I have now dealt with the several departments, but there is one department, which is a sort of superdepartment, with which I propose to deal now, and that is the Finance Department. When the question of retrenchment was discussed in this House, I could not get an opportunity of telling the Finance Member how retrenchment should not be effected. Unfortunately I did not get an opportunity to do that on that occasion. But that question is equally relevant today, and I therefore want to know from the Finance Member whether he has taken sufficient care to see that while making retrenchments, the very object of retrenchment is not frustrated. Sir, why are we making retrenchment? We are making retrenchment, because our revenues have suffered on account of depression in trade. Therefore, if we make retrenchments on principles which are wrong and by methods by which depression will increase, it is a wrong method of retrenchment. I would therefore suggest to the Finance Member that, while making retrenchment, he should take care that the productive efficiency of the masses of the people in this country does not suffer, because if their productive efficiency suffers, what will happen? The purchasing power of the people will go down, and your depression will

increase still more. Sir, you all know that Mr. Henry Ford is a great industrialist, and he has very clearly stated that an industrialist or financier who begins to make retrenchments by cutting down wages and by undertaking measures which will reduce the productive efficiency of the people is not fit to be an industrialist or a financier. He says that it is the height of folly to try to reduce expenditure by reducing wages and by taking measures by which the purchasing power of the people will be reduced. I therefore want the Finance Member to tell me whether he has placed sufficient funds at the disposal of the various departments which have to deal with Indian labour, and especially which have to deal with these departments which have to give effect to the recommendations of the Royal Commission on Labour. Sir, it is quite natural that in these times of depression, the Finance Minister should look into the financial proposals very carefully, but that does not mean that he should refuse to give sufficient money to the various departments which have to deal with such questions as have to give effect to the recommendations of the Royal Commission. Why was that Commission appointed at all if their recommendations are not to be given effect to immediately? I want therefore the Finance Member to tell me whether he is willing to provide sufficient funds for giving effect to the recommendations of the Royal Commission. I do not suggest that he should provide crores of rupees immediately, but certainly the Department of Industries has been charged by the Royal Commission on Labour to make investigation as to how the national health insurance should be established in India. Money for the investigation of questions of this kind should not be refused, because, if peoples' health is secured, the workers' efficiency will be increased and you will get better revenues. In the same way, if we want money for making certain investigations into the conditions of seamen or any other questions, money must be provided. That money need not be estimated in crores. The money required for these investigations and for providing a sufficient staff to hasten the preparation of legislation will be a small amount. I therefore want the Finance Member to explain to me why money was not provided for in this Budget for that kind of work, and what he proposes to do in the future.

Mr. President, I do not wish to take up any more time of the House, but I want to appeal to the House on this question. This is a very vital and important question from the point of view of the Indian workers. The Government of India appointed a Royal Commission, and that Commission has now made certain recommendations. Those recommendations are meant to be given effect to without delay, and if the Government of India do not give a satisfactory explanation as to why the recommendations have not been given effect to so far, and if they do not say satisfactorily what they propose to do in the immediate future, then, Sir, I would like to have the support of this House in making a protest against their conduct and their failure to take the necessary steps. Sir, I move.

The Honourable Sir Joseph Bhore (Member for Industries and Labour): I am sure the House must be grateful to my Honourable friend Mr. Joshi for the enlightenment which he has offered the House through his somewhat lengthy survey of, and commentary on, the recommendations of the Labour Commission. I am afraid it is not possible for me to follow his example and to try the patience of the House in saying what may be, or is being, or will be, done in regard to each one of the 250 odd recommendations which are to be found in the Labour Commission's report. But, Sir,

[Sir Joseph Bhore.]

I do wish to repeat the assurance which I gave to this House the other day, that we are steadily pursuing the examination of those proposals, and that we will allow no avoidable delay to occur in our examination of these questions. There is one very important matter which I would like the House to bear very prominently in mind, and it is this, that retrenchment and economy cannot be pursued on the scale which we are following without certain inevitable and definite consequences. One of those consequences is a definite slowing down of departmental activities. If the extremely onerous and complicated task, which is involved in giving effect, after exhaustive examination, to such proposals as are contained in the Commission's report, is to be done by the existing staff alone, and perhaps with an attenuated staff, then, Sir, I say that some delay is absolutely inevitable, but I do assert that, despite these difficulties, we have definitely made progress in this matter.

A large proportion of the recommendations of the Commission falls to be dealt with by Local Governments and by organisations and bodies and authorities over whom the Government of India have no control. So far as the Provincial Governments are concerned, we are keeping in the closest touch with them in regard to those matters which fall within their province; and, Sir, we have made a very careful analysis of all those matters which fall to be dealt with by them. We have asked them in their turn to keep in touch with and to refer to those non-official organisations whose co-operation is absolutely essential if the fullest effect is to be given to the proposals of the Labour Commission.

The action of the Government of India falls under two categories, administrative and legislative. I explained to the House the other day that we have already begun to take definite executive action, and I instanced the case of instructions which we have issued already to our Central Public Works Department in respect of certain matters connected with the employment of labour on central works, as for instance, wages, housing and health conditions, and employment of children. That we have not stood still in the legislative sphere is I think also evidenced by the fact that I have already introduced three Bills pertaining to labour matters during the current session, and a fourth Bill dealing with an amendment of the Trade Disputes Act is in course of being drafted. I may say further that the recommendations of the Commission relating to the statutory regulation of rest days, hours, etc., in oilfields, amendment of the Indian Mines Act, exemption of workmen's salaries and wages from possibility of attachment, amendment of the Land Acquisition Act, are now all in course of active examination, and I hope that it will be possible for us to register some definite conclusions before the next Autumn Session in Simla. But, Sir, I would ask those impatient partisans of labour in this House, who are always charging the Government with delay in this matter, to remember, firstly, that legislative measures, some of them of great complexity, cannot be devised and drafted at a moment's notice. To give effect to a simple principle it is often necessary to provide most complex machinery, and the greatest care and attention is required to devise such machinery and to see that it fits in with the existing order of things. An instance in point is the Assam Labour Bill which I introduced in this House last week. It took us many weeks of the closest examination and consultation with the Local Government, resulting in great changes and alterations of the original draft

before the Bill was put into the form in which we introduced it in this House. Then, in the second place, people very often forget that labour legislation is not the only official business before this House. Whatever my friend Mr. Joshi may say, I am sure that the House will agree with me that there are other legislative measures of equal importance, and some of far greater urgency, which demand the attention of this House. (Mr. H. P. Mody: "Hear, hear.") (Mr. N. M. Joshi: "Question.") And, therefore, the process of considering and passing labour legislation must inevitably be slower than my Honourable friend Mr. Joshi would like it to be, and I confess than I myself would like it to be. But we have got to remember that this House is the bottle neck through which all Bills have to pass before they turn into Acts, and no amount of congestion in the way of Bills will increase the output in the way of Acts. No amount of argument on the part of my Honourable friend and no amount of cut motions will overcome these difficulties or alleviate them in any way, but I do wish to repeat the assurance which I have given in the most categorical terms, and that assurance is this, that we have been pursuing and we will continue to pursue steadily and without remission the examination of all the proposals of the Labour Commission, that we will allow no avoidable delay to occur in that examination and no delay to occur in giving effect to the results of that examination. Sir, I hope that my Honourable friend Mr. Joshi and the House will rest assured with this assurance and that he will not press his motion.

The Honourable Sir George Rainy (Member for Commerce and Railways): My Honourable friend is desirous to know what we are doing in the Railway and Commerce Department about certain of the recommendations of the Royal Commission on Labour, and in accordance with a principle that my Honourable friend sometimes follows, he wants to know what we are doing about things that were not recommended by the Royal Commission on Labour. I am not quite sure that this extension of the discussion is a fair one, and obviously if it were carried to the full length, it would demand very great width of information before one could reply to his enquiries. So far as the Railway Department is concerned, the Railway Board divided the recommendations of the Royal Commission into two classes, namely, minor matters and matters of first class importance. I understand that, on the minor matters they have already received the opinions of the Agents, and on the great majority of them have formulated their own conclusions, but they wish to discuss them with the Agents of the Railways at the beginning of April next, because in these matters, usually matters not involving legislation, it is desirable to secure uniformity on the Company-managed and State-managed railways. The matters of first class importance remain for discussion with the Agents at the meeting in April, but the Railway Board anticipate that by the middle of April or shortly afterwards, or at any rate before the end of the month, they will be in a position to make definite recommendations to the Government of India. In view of the complexity of the questions which have to be considered, I do not think that any time has been unnecessarily wasted.

Then, as regards the Commerce Department, one of the matters mentioned by my Honourable friend was safety regulations in docks. That is a matter which is regulated by an international convention, and before the end of the session, I shall make a statement on this subject. I have not got it with me at the moment, but if my Honourable friend is anxious

[Sir George Rainy.]

to know what the position is, that statement has already been made by a representative of Government in the Council of State, and appears in their proceedings. The most important question perhaps in connection with seamen is the question of recruitment. It is a question which I have always found to be one of extreme complexity and difficulty. That matter is under discussion with the principal officers at the ports, and I hope that, before very long, we shall be in a position to make up our minds about the recommendations of the Royal Commission. I do not propose to follow my Honourable friend into the sphere where the Labour Commission made no recommendations. For one thing, it seems to me that, if you want progress to be made, the wise course for the moment is to concentrate on what the Commission did recommend before we attempt to deal seriously with questions on which the Commission did not make recommendations. Finally I would refer to one matter in connection with the railways. It is this, that so far as the settlement of disputes between employers and employed on the railways are concerned, that is a matter in which the Railway Department are deeply interested indeed, but the settlement of industrial disputes is a matter the responsibility for which rests with the Industries and Labour Department.

Mr. N. M. Joshi: May I ask for a reply about the North-West Frontier Province?

Mr. President (The Honourable Sir Ibrahim Rahimtoola). The Honourable Member cannot ask another Member to get up and give answers to him. It is at the discretion of Members to get up to speak or not. The Chair has called upon Mr. Joshi to reply.

Mr. N. M. Joshi: I cannot compel him, but I would certainly suggest

Mr. President: The Chair has called upon Mr. Joshi to reply.

Mr. N. M. Joshi: I have listened to the speeches of the two Honourable Members who have dealt with some of the points raised by me. I am sorry, Mr. President, the Honourable the Foreign Secretary was not prompt enough in rising in his seat, but I feel that when any Member of this Assembly, however humble that Member may be, raises a point, it is his privilege to get the Member of Government in charge to deal with the point he has raised. That is a matter of courtesy not only to the Member but to the whole House.

The Honourable Sir George Rainy: On a point of order. The point raised in the cut is, "The Royal Commission on Labour". My Honourable friend is overlooking the fact that the Royal Commission on Labour made no recommendations as regards the representation of Labour in the North-West Frontier Province.

Mr. N. M. Joshi: I know something about the report of the Royal Commission on Labour and I state that the Royal Commission on Indian Labour has made very strong recommendations for the representation of labour in Indian legislatures, both provincial and central, and it was for that reason that I put forward a suggestion and I wanted to get informa-

tion on this point from the Honourable Member in charge of the department. But I feel, Mr. President, this omission on the part of the Member in charge is certainly not intentional. Perhaps on account of the exigencies of the debate. I am not able to receive a reply, but I am sure the Honourable Member means to give me a reply, if not on the floor of the House, elsewhere. Mr. President, I am not satisfied with the reply given by the Honourable Member in charge of Industries and Labour, nor by the Member in charge of the Department of Commerce on these points. I quite realise that these are days of retrenchment, but as I stated if you try to cut down your expenditure in such a way that the productivity of the people or the efficiency of the people will suffer, you are not carrying on your work of retrenchment in a proper manner. You are only going to add to your troubles. I am not therefore satisfied with the reply given by the Honourable Member who has also tried to throw the blame on this House, saying that the business of the House is crowded and the House will not have time to pass the legislation, which perhaps he hinted was quite ready with him. If the legislation is ready with him, let it be introduced in this House. Introduction does not take time, and let the blame be thrown on the House after its introduction. I am quite sure that all sides of the House have some sympathy with the cause of labour. There are my friends, the Nationalists, there are my friends, the Independents, led by such a sympathetic leader as my Honourable friend, Sir Abdur Rahim. Then, the sympathy of my Honourable friend, Mr. Mody, is well-known. (Laughter.) I am sure if the Government bring forward legislation, this House will agree to sit a week or two more to see that this legislation is got through and passed. I do not therefore think the Honourable Member brought forward a good argument for the delay in giving effect to the recommendations of the Royal Commission. I quite agree that many of the recommendations, at any rate some of them, must be given effect to by the Local Governments, but, Sir, my Honourable friends will recognise that labour legislation is a central subject, although not entirely, I quite realise that the provinces today have got the power of legislation in labour matters with the sanction or approval of the Government of India. But the chief authority for labour legislation is the Government of India. I therefore want the Government of India to be responsible, not for passing legislation on all the recommendations but for telling this House what the Local Governments are doing, and what the Government of India have permitted the Provincial Governments to do. That information at least should be given by the Honourable Member, because without his approval no labour legislation can be passed by a Provincial Government. Mr. President, I am not satisfied with the reply and I would therefore like to enter my protest against the inaction of the Government. But I recognise that we are pressed for time, and I do not wish that the House should spend its time now in debating the subject at length. I would therefore ask for leave to withdraw my motion.

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

Lack of Supervision over the Coal Transactions of Railways.

Mr. A. H. Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Sir, I move:

"That the Demand under the head 'Executive Council' be reduced by Rs. 100."

Sir, I want to draw attention to the lack of supervision. Sir, during the general discussion of the Budget the other day I said—and I think I

[Mr. A. H. Ghuznavi.]

ought to repeat it to-day as my Honourable friend, the Commerce Member, was not present on that occasion in this House—I said “I must confess it was no small surprise to me the other day how the Honourable the Commerce Member gagged me when making my submission to this House as to how a saving of half a crore of rupees could be effected if the scheme I had to place before the House was adopted”. Sir, I shall now put my case before the Honourable Members and shall ask them to judge if I was not justified in what I had said. I will just for a few minutes refer to my friend, the Honourable the Commerce Member’s speech which he delivered the other day in reply to mine. He said:

“But I am afraid I must say that I have never listened to a speech in this House with more pain or more regret.”

—pain it must have caused him, for, Sir, truths are sometimes painful—because that speech contained, as he said, what he was afraid he must call a very violent attack on the Chief Mining Engineer of the Railway Board, Mr. Whitworth. Now what was it that I said that had pained him? Sir, what I was saying the other day was a public topic, as everybody knows. I said old Members of this House will remember that Mr. Church landed the railways into a scrape by making forward contracts

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, on a point of order, I find that the Honourable Member has just referred to a railway contract and his motion also relates to coal transactions. Sir, I believe the Honourable gentleman is a Director of Messrs. Lowe & Co., who have a contract with the railways for coal, and I should like to draw the attention of the Chair to the point that both according to May’s “Parliamentary Practice” as well as in accordance with the ruling in this House given by two of your predecessors—Sir Frederick Whyte and Mr. Patel—one who has got a pecuniary interest in the transactions of a contracting firm should not take part in the debate and further I would draw your attention, Sir, to the ruling given by Sir Frederick Whyte when Diwan Chaman Lall drew his attention to a point order on an identical occasion namely the consideration of the Demands for Grants. Sir Frederick Whyte stated, Sir:

“Where a member is directly and personally concerned in contracting with Government for certain services, he is not entitled to take part in the debate.”

Mr. B. Das (Orissa Division: Non-Muhamadan): That was not a ruling but was an advice.

Mr. C. S. Ranga Iyer: In view of that definite ruling, Sir, I would request you to ascertain from the Honourable Member in the first place whether he is a Director of Lowe & Co. and whether Lowe & Co., are not connected with the railways over a contract and if so—without arguing further from May’s “Parliamentary Practice”

Mr. President: I think the Honourable Member should complete his remarks on the point of order.

Mr. C. S. Ranga Iyer: Well, then, Sir, according to May’s “Parliamentary Practice”, I find that “Each member should be guided by his own feelings in the matter and should vote or abstain from voting as he

thought fit”—I see my friend, Mr. Mitra, is laughing, but as soon as I complete my reasons I believe he will stop his laughter—and it was added by Sir Erskine May “that members should be aware that they ran the risk of having their votes disallowed by the subsequent action of the House”,—which latter has not been the procedure of this House, and that is why Sir Frederick Whyte gave a definite ruling. (At this stage Mr. C. C. Biswas rose to his feet.)

Mr. President: Order, order. The point of order is still being debated.

Mr. C. S. Ranga Iyer: Sir, “On the 16th June, 1846, objection was taken to the vote of a member who had voted with the noes, because, as a director and shareholder in the Caledonian Railway Company, he had a direct pecuniary interest in the rejection of the . . . Bill” and so on. The question of disallowing his vote on the ground of direct pecuniary interest was voted upon by the House there, but there is no such thing as calling upon a Member to withdraw his vote by a vote of this House here: and in view of that circumstance, Sir Frederick Whyte gave that ruling. Sir, on this matter the late lamented Pandit Motilal Nehru, a great authority on legal matters, stated:

“That rule has been enforced and adopted, not only in the interests of the general public, but also in the interests of the Members themselves, because, as the House can very easily imagine, a Member who is personally interested in the subject-matter of a debate, feels himself in a somewhat difficult position when he has to give an opinion either for or against his own interest. So, I say that the rule is in the interests of both.

That is what the Panditji said. And *ex-President* Patel 12 Noon. himself said this:

“Unfortunately in the Government of India Act we have got no such provision and we must therefore be guided by the practice in the House of Commons. It is, I submit, not at all a question for this House to decide. It is entirely a question for the President to decide on the interpretation of the Act or on the practice of the House of Commons. It is not for this House to say whether a particular Member shall or shall not take part. It is entirely a matter for your ruling. If you choose to follow the practice of the House of Commons, you are bound to rule that Members who have a pecuniary interest in the Tata concern shall not be entitled to vote.”

At that time Mr. Patel was the Deputy Leader of the Swarajist Party and the words were addressed to President Whyte, and President Whyte’s decision on a subsequent occasion was as I have just read out. He said, as far as the shareholders in Steel Companies were concerned, he was not going to say that they could not take part in the debate.

And I shall further read his own words on that matter:

“That question has been settled by the established practice of the House of Commons which I think we may reasonably follow here. It has been raised in the history of the House of Commons on many occasions and is now well settled in practice. The practice is that where the individual Member of the House of Commons is actually an active partner in a business, not a limited liability company, it is a misdemeanour on his part to vote; and there have been cases in recent Parliamentary history where a measure has had to be passed to indemnify a partner in a business in England from the penalties otherwise leviable upon him for having given his vote in the House of Commons on any subject, not merely on a question in which he was personally interested.”

And so on in relation to the shareholders. Then Sir Frederick Whyte definitely laid down:

“It is only where a Member is directly and personally concerned in contracting with Government for certain services that he is not entitled to take part in the debate.”

I submit therefore, Sir, that the Honourable Member, who is directly connected with Lowe and Company which Company has a contract with a

[Mr. C. S. Ranga Iyer.]

State Railway, cannot, according to Sir Frederick Whyte's ruling, take advantage of his position in this House to forward the interests of his own Company, which are competitors with other mining contracting companies in India.

Mr. President: Order, order. I should like to ask the Honourable Member (Mr. Ghuznavi) whether he has anything to say?

Mr. A. H. Ghuznavi: I am glad, Sir, that the Railway Board have got my gallant friend, the Honourable Mr. Ranga Iyer, to espouse their cause.

Mr. C. S. Ranga Iyer: Sir, the statement is most reprehensible.

Mr. President: Order, order. Will the Honourable Member (Mr. Ghuznavi) please restrict himself to giving an answer if he has any to the point of order that has been raised?

Mr. A. H. Ghuznavi: I wish to tell Mr. Ranga Iyer to his face that I am not a Director of H. V. Lowe & Co.

Mr. C. S. Ranga Iyer: I should like to know if he is otherwise interested in the firm?

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): Sir, I also wish to raise a point of order. It is this. Where a point of order involves a personal reflection upon an Honourable Member of this House and is founded on an allegation or suggestion of a direct pecuniary interest, is it open to any other Member to raise such a point of order without being satisfied as to the facts which he is assuming for the purpose of raising that point of order?

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, on the point of order raised by my Honourable friend, Mr. C. S. Ranga Iyer, I would like to draw your attention to the "Selections from the Decisions from the Chair", pages 438 and 439:

"During the discussion on the Steel Industry (Protection) Bill Mr. Devaki Prasad Sinha raised a point of order that Members interested in the Tata Iron and Steel Company as Directors or Shareholders should not be allowed to take part in the proceedings of the Assembly or allowed to guide its deliberations in the capacity of the President of the Assembly. After some discussion on the point of personal interest, as it was applied in the House of Commons,—The President ruled: 'I have sufficiently heard Members on this point. It has been raised rather in an irregular manner. Still I am not sorry that it has been raised and we have had the expression of opinion from various Members of the House. In the House of Commons objection has been raised to members having a direct personal interest voting—not taking part in the debates—only in case of private Bills and even then the objection has on a good many occasions not been upheld. My conclusion is that in this case I cannot uphold the objection raised by Mr. Devaki Prasad Sinha. This is not a private Bill designed to promote the interests of the Tata Iron and Steel Company. It is a Bill brought in by Government involving a question of public policy to give protection to the steel industry'."

So it is clear that the question can only be raised as regards the right of voting and that also in regard to private Bills. As regards the question of taking part in the debate, the ruling is clear that it does not affect the

right of the Member to speak on the debate. In this House only the other day during the debate on the Paper Protection Bill, Sir Edgar Wood took part in it and no objection was raised to it. He was within his rights to take part in the debate.

Mr. B. Das: Sir, I wish to point out that this House has never taken seriously the point that no shareholder or Director should be allowed to take part in any debate which affects a particular industry. In the past Sir Purshotamdas Thakurdas has taken part; my friend Mr. Mody, who is a shareholder of the Tata's and Sir Hugh Cocke and several others have been allowed to take part in such debates. The point which my Deputy Leader, Mr. Ranga Iyer, has raised is whether Mr. Ghuznavi is not discussing the affairs of Messrs. Lowe and Company. My friend Mr. Ghuznavi wanted to raise the point in the railway debate and also to-day's debate whether the Railway Administration will not save money if certain suggestions, which he has put forward or will put forward, are approved by this House. So, there is no question of merely taking part in the debate; every Member who is concerned even directly with a particular industry has a right and privilege, in the public interest, to speak, whether a certain benefit may not accrue to the public.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair has no hesitation in ruling that the Honourable Member is quite in order in taking part in the discussion which he has initiated. The Honourable Member who raised the point of order drew attention of the Chair to the words "directly and personally interested". It is, I think, very desirable that Honourable Members, who raise points of order or a question that a particular Member is directly and personally interested, should take adequate and proper care in making such allegations. The Chair is prepared to consider all aspects of the question when its attention is drawn to serious allegations. I take it, that the Honourable Member who raised the point of order himself recognises that, in the interests of the good name of the House, the Member raising the point shall take adequate care to ascertain his facts before making them. Having ruled on the issue that has been raised, the Chair's view is further confirmed by the fact that the Honourable Member has stated that he is not a Director of any Coal Company.

Mr. A. H. Ghuznavi: I did not say that. I said that I am not a Director of H. V. Lowe and Company.

Mr. President: I take it that the Honourable Member is a Director in some coal company.

Mr. C. S. Ranga Iyer: Many companies, of which Messrs. Lowe and Co., are the Managing Agents.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): If the Honourable Member is a Director in several coal companies it is for the Honourable Member himself to consider whether he should avail himself of this opportunity as a Member of the House to deal with this subject. As a Director he is not personally and directly interested, and therefore he is in order in taking part in this discussion. The Chair leaves it to the Honourable Member himself to decide whether he will proceed with the discussion.

Mr. C. S. Ranga Iyer: In view of your observations, I have to submit

Mr. President: The Honourable Member has admitted that he is a Director in some coal companies and no further remarks are therefore necessary.

Mr. A. H. Ghuznavi: Now, I will proceed with my speech. I will at once go to the facts to show, instead of meeting my Honourable friend's speech of the other day, how Government are losing from year's end to year's end nearly half a crore of rupees, by the negligent manner in which they exercise control over the buying of coal and management of the collieries. The coal purchased for 1932-33 was to the extent of 16,29,000 tons. Here I have got on page 52 of *Capital* the names of the tenderers, the rates and the quantity tendered. In the issues of 4th February and 16th January of *Capital* you will find the names of the accepted tenderers, their rates and quantities. Like Mr. Whitworth, I have also tabulated the offers and their acceptances, and this is the tabulated sheet which I have got in my hand, and from this I shall show that Government have lost about 8 lakhs on purchase of coal this year. The same quality, the same grade was offered to Government at cheaper rates, but they did not accept them—they accepted higher rates.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): What commission?

Mr. President: Order, order...

Mr. A. H. Ghuznavi: Here is a publication of the Indian Coal Grading Board. There the names of these collieries are entered, as to their grades, as to their seams, and approved by Government; and here is the list which I have got which will show that these approved grades and approved qualities, the same seams were offered at lower rates but were not accepted.

An Honourable Member: Why?

Mr. A. H. Ghuznavi: Let that question be put to the Honourable the Commerce Member. I will take the first item. Special Jherrias; they were purchased at Rs. 4-12-0, but coal of the same quality was offered at Rs. 4-4-0. On this they could have saved Rs. 18,000. The second is Jherria, 17 and 18 seams, they purchased 1,28,000 tons. The same quantity was offered and they could have purchased it much cheaper, thereby saving Rs. 63,750, on that lot. Just for the information of Honourable Members I will read the rates of Jherrias and the rates that were accepted and the rates that were tendered:

	Rs.	A.	P.
50,000 tons at	3	6	0
18,000 tons at	4	0	0
30,000 tons at	4	4	0
30,000 tons at	4	8	0

whereas the same quantity was offered at Rs. 3-6-0, 3-8-0 and 3-12-0

Mr. S. C. Mitra: That is economy in Government Departments.

Mr. A. H. Ghuznavi: Yes. Then, Jherria, first class, 12, 13, 14 and 15 seams, there could have been a saving in this lot of Rs. 2,10,000. They purchased at higher rates, while the same quality and the same quantity were offered at much cheaper rates. Then, the second class Jherrias, 10, 11, 12 and 13 seams; they could have saved Rs. 50,000 on this transaction. I have worked out how the whole saving was arrived at and if any Honourable Member would like to see it, I shall furnish him with a copy.

An Honourable Member: Then, lay it on the table.

Mr. A. H. Ghuznavi: I do not want to waste the time of the House. Then comes Raneegunge Coal. A quantity of 2,36,000 tons was purchased at Rs. 4-12-0 and Rs. 4-6-0 and Rs. 4-4-0, while the same quantity and the same quality was offered at Rs. 4-4-0; thereby they could have saved Rs. 32,000. In second grade Deshurgurh quality, a saving of Rs. 18,000 could have been effected. In Kasta quality, a saving of Rs. 18,000. In Raneegunge series Jherria coalfield, a saving of Rs. 6,000. In Poniat quality, a saving of Rs. 19,750. In Koithi quality, a saving of Rs. 20,250. In Gusick quality, a saving of Rs. 1,850. In Kajora quality, a saving of Rs. 54,750. Thus the total saving would approximately have been about six lakhs in these coal purchases.

Then comes the shipment coal. They bought 1,40,000 tons for the Burma Railways and this contract was given to one contractor alone at Rs. 9-2-0 per ton, f. o. b., Calcutta, with insurance and weight on the Rangoon weighbridge. Sir, this very same coal, of the same quality and of the same seam, was offered at Rs. 7-6-0 per ton, which if accepted would have brought a saving of 2½ lakhs. Even if they had been given it to one contractor; had the coal been shipped by themselves; had it been shipped by their Mining Engineer, they could have saved at least Rs. 70,000 on shipping Jherria only. The contractor made another profit for shipping it directly. Sir, the Honourable the Commerce Member said the other day that Mr. Whitworth is not a man who decides everything but it is the Railway Board who decide—that he comes with his proposals and they scrutinise them and decide after scrutiny from whom to buy. Sir, I want the Honourable Member to give me a straight answer. The Railway Board call for tenders; but who opens those tenders? Is it or is it not Mr. Whitworth in Calcutta who opens those tenders? Who tabulates them? Is it or is it not Mr. Whitworth and his assistant, the great Surendra Nath Banerji?

An Honourable Member: Not the great Surendra Nath Banerji?

Mr. A. H. Ghuznavi: He is great because from Rs. 35 he is now getting Rs. 900 a month, and he owns in his father-in-law's name and mother-in-law's name and sister-in-law's name so many properties in Calcutta.

Then, Sir, is it or is it not a fact that this Mr. Whitworth and Mr. Banerji come up to Delhi with their proposals? And can the Honourable Member tell me if they have ever changed a single item in those proposals? That is what I should like to know. Then why was I blamed? What was my sin when I said that it is Mr. Whitworth who practically decides whom to give and whom not to give to?

[Mr. A. H. Ghuznavi.]

Then, Sir, I will make another charge and a serious charge, and ask him to refute it. Previous to tendering, Mr. Whitworth and his friend Mr. Banerji are obviously in the habit of advising their friends what rate to tender. And I will give you the proof. If you study the various tenders you will find that the pact rates are all the same. I will explain to the House what I mean by "pact rates". There are certain firms in Calcutta who have made a pact for themselves and they always quote a certain figure. But there are many others who are not in the pact and who therefore do not know what will be the rate of these pact firms. But Mr. Whitworth knows it. You will find from the pact firms that their rates were the same but those who were not in the pact also quote the pact rate. And how do they find the pact rate? From the evidence here I know who are the pact rate firms and who are not, but we find that those who are not also give the pact rates. Then, Sir, I make another charge. When they give out a tender, they say that those tenderers who do not want to put in the pact rate, because it is a higher rate, will not get an ounce of order. If any evidence is required of that I am prepared to furnish it.

Sir, I think I have made out a case for investigating into these allegations that I have made on the floor of the House and for the appointment of a committee to go into this matter. But before I bring my remarks to a close, I will take up the collieries. Will this House be surprised to hear that Government have not published the accounts of the cost of running their collieries in spite of repeated demands? My Honourable friend Mr. Das drew my attention to the fact that for many years the Public Accounts Committee urged this point, and only the other day they got them to prepare a form of accounting. So as regards the collieries, we have got nothing in our possession to show what is the cost of their running. I say that the State collieries are running at a much higher cost than even the costliest European managed collieries. Will the House be surprised to hear that there is no tender ever called for raising coal in the State collieries? Only the other day my Honourable friend Mr. Ranga Iyer stopped me when I wanted to bring up this thing on the motion of my Honourable friend Mr. Maswood Ahmad about favouritism, and he said that it was not to the point. I did not pursue it that way, but this telegram that I have here will show the favouritism that I was referring to. It says:

"Railway colliery working under raising contractor at higher rate without calling yearly tenders, favourite persons are appointed for instance Rambilas Singh chaprassi under Railway colliery at Bermo colliery has been appointed raising contractor."

I believe there is another contractor who is Mr. Whitworth's *dhobi*. Then the telegram says:

"You can conclude how Railway raising contracts are given respectable raising contractors can be had at cheaper rate if yearly tenders are called and on this policy lakhs and lakhs of rupees can be saved. Question hitherto tenders were not called and given to respectable parties at lower rates."

The Honourable Sir George Rainy: Sir, I rise to a point of order. I had no intention of raising a point of order about the earlier part of the Honourable Member's speech because the Chief Mining Engineer does purchase coal not only for the Railways, but also for the Army Department, and certain other departments of Government, and therefore I must admit that he is concerned with this part of the Budget. But I should

like to point out that the railway collieries supply coal only to the railways, and therefore the administration of these collieries is pertinent rather to the Railway Budget than to the General Budget. It is a general question of administration and policy affecting the administration of the railways that is really in question on this latter point.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair recognises the force of the point of order raised, but the Chair cannot overlook the fact that the Executive Council is in charge of the entire policy and administration of the Government of India and must therefore hold that the Honourable Member is in order in criticising the policy pursued by the Executive Council in the manner he is doing.

Mr. A. H. Ghuznavi: Thank you, Sir. I have already shown, when dealing with coal purchase, how lakhs could have been saved, and I will now illustrate it by figures. When I mentioned about 50 lakhs, another 30 lakhs or so could have been saved from the collieries. Sir, the railways this year bought from the public 16 lakhs of tons, and they expected to raise 16 lakhs of tons from the collieries. I will assume that the requirements are 32 lakhs. Of this they do not raise more than half the quantity and the rest they give to the public. On the 16 lakhs of tons which they will raise they lose at least 32 lakhs of rupees, and you will see how. You can get cheaper coal in the market, much cheaper than you can raise. You do not show us the figures

Mr. President: The Honourable Member will please address the Chair.

Mr. A. H. Ghuznavi: I beg your pardon, Sir. They have not up to date said what it costs them to raise a ton of coal; and in the absence of any figure, I will assume that their cost must necessarily be much higher, as it is run on State lines, than what they can get it in the market. Even assuming that is wrong, I will give you this figure. They have got their raising contractor, if I remember aright, a man named Amrita Lall Ojha; and I should like the Honourable Member to tell us on the floor of the House what is the rate that they are giving him to raise their coal. He makes lakhs annually. If you can reduce your cost even by a rupee a ton, you save 16 lakhs of rupees in your estimates. I therefore suggest the following. It is only because I want to help my Honourable friend the Finance Member in his retrenchment: I am sure he would have half a crore of rupees if he would adopt this suggestion. The first is, that tenders should be called for and every tenderer should have to deposit ten per cent. with the tender of the value of the coal he tenders. This must be a condition precedent. What happens is this: the tenderers tender and the favourite tenderers tender for a far bigger quantity than their output. I will illustrate this point. There have been tendered this year 91 lakhs of tons, and Government have accepted 16 lakhs of tons. Each tenderer got something, say 10 per cent. or 5 per cent. For instance, Mr. A's colliery, whose output is 200,000 tons, tenders for one lakh; Mr. B's colliery, a favourite colliery whose output is only 10,000 tons also tenders for one lakh; then Mr. C's colliery whose output is 300,000 tons tenders for 150,000 tons; and Mr. D's colliery whose output is only 5,000 tons tenders for 50,000 tons. Mr. Whitworth brings these figures before the Railway Board and says that Messrs. A, B, C and D have tendered respectively for so much and he shows he has made an equal distribution—ten per cent. to everybody

Mr. S. C. Mitra: Are these people not required to show what is their total output?

Mr. A. H. Ghuznavi: That is the trouble; they do not go into the matter of whether this man can deliver it. They cannot deny it. The *Commerce* says:

"We publish below a list of State railways coal tenders for the years 1932-33. It will be observed that offers larger than their output have been made by several collieries."

Perhaps I have not been able to explain myself sufficiently clearly. For instance, I have offered to sell a lakh of tons, but my colliery has an output of 2 lakhs. Another man also offers a lakh of tons, but his colliery's output is only 10,000 tons. So, when these two proposals come before the Board with Mr. Whitworth's recommendation, giving 10 per cent. to each, I get practically nothing at all, but the other man gets his full output and more. But if you ask for a deposit, he will not be able to put in that lakh of tons, because the deposit will be 10 per cent.

Mr. C. C. Biswas: Are they not required to state their output in each case?

Mr. A. H. Ghuznavi: No. Now there is another matter. This shows that the Railway Board is not in a position to help the trade or see whether a man is in a position to deliver things which he offers. This list, which shows that 91 lakhs of tons was tendered, does not include coals outside Jherria and Ranigunje fields, nor the coal accepted for shipment. The total output of coal in India is roughly 20 million tons. So it means that practically half the output has been offered to the State-managed railways only; and when one has to take into account all the contracts already fixed up for the year 1932-33, and the coal which must be reserved for industries, bunkers, shipments, etc., it is obvious that the quantity of coal offered to the State railways, if all were accepted, could not possibly be delivered; and here is the list of tenderers with their names and their acceptances. I made a careful study of this before I brought up the subject before this House.

My first proposal therefore is that in future when coal tenders are called for, tenderers must be asked to deposit 10 per-cent. with the tender. The second check that I would suggest with every tender is that a space in the tender form should be left for directors to put in the previous year's output of their collieries. They have to give this information to the Mining Department of the Government every year, and these figures would then be available to the Railway Board as a further check on tenderers giving their correct output. Thirdly, my suggestion is that all tenders should be sent direct to the Railway Board in Delhi and opened here and the Board should tabulate them. If the tenderers wish to come to Delhi or Simla, they may do so and be present when the tenders are opened, and it is for them to decide whether they should come up or not.

Then, Sir, shipment coal, which is a very heavy quantity, should not be given to one firm, but coals which are best for shipment should be purchased from several parties and mixed at the time of shipment; the contractors should only be required to put the coal on the railway at the siding of the collieries. They will get only the price of the coal and nothing for shipping it direct to Burma or anywhere else.

I would then submit that the Board should be constituted as follows:

The Chairman:

The Chief Commissioner of Railways or a Member of the Railway Board.

Members:

1. The Chief Mining Engineer to the Railway Board.
2. The Combustion Engineer.
3. A gentleman with experience of the commercial side of colliery work, but not actually in the coal trade.

The Board will be a permanent Board and attached to the Railway Board. The Combustion Engineer and the commercial members will be left in charge. With a Board so constituted, one will have a Mining Engineer with experience of the practical side of coal, a Combustion Engineer with experience of the actual burning quality of coal and a commercial man with knowledge of the commercial side of coal. To put it plainly, one would have a Board of men who would know all the tricks of the trade, and I am certain that the cost of this Board will be saved over and over again. Not only could they make coal purchases for the railways, but they could also see to the working of the State Railway collieries which would then be run on commercial lines. This is what I wanted to show to the House in the public interest, and therefore I had to make the statements that I did, and I think I have been able to satisfy the House that I have made out a case for an investigation into this matter.

The Honourable Sir George Rainy: Sir, I should not ordinarily have intervened in the debate at so early a stage, but I think it is desirable that on this particular motion I should do so, because in view of the serious charges that the Honourable Member has made, the House is entitled to hear at the earliest possible opportunity what the reply of Government is. One thing perhaps I might say by way of preface. I think it is a great pity that, when the Honourable Member first opened the subject in this House, he did not make it plain at that stage what exactly his complaint was; it is a pity he did not give his figures at that stage. (*An Honourable Member:* "He was obstructed.") The Honourable Member found time to hurl what I consider very unfair innuendoes against a Government officer, and failed altogether to state what the precise matter was to which he was drawing the attention of the House.

Now, Sir, I should like to begin by explaining briefly the procedure we followed in the purchase of coal for the State-managed railways. The procedure we followed this year is exactly the same as is followed every year. In the middle of December the Railway Board, on a preliminary survey of what the coal requirements of the State-managed railways in 1932-33 would be, came to the conclusion that, after allowing for a carry over of 160,000 tons from this year's contract, it would be necessary to arrange for the supply of 3,173,000 tons of coal, out of which they proposed to take 1,753,000 tons from the market, leaving 1,420,000 tons to be raised from the railway colliery. These figures would have given the market a rather higher percentage of the total coal required than in the previous year. The Chief Mining Engineer was authorised to call for tenders for 1,753,000 tons, and these tenders were opened in the

[Sir George Rainy.]

presence of the tenderers in the middle of January, and the list of the tenders was published in the Press. Thereafter the Chief Mining Engineer discussed with representatives of the operating departments of the State-managed railways how the orders should be distributed. It is quite true, as Mr. Ghuznavi has stated, that the total quantity of coal tendered was considered in excess of nine million tons. As a result of the discussions with representatives of the operating branches, proposals for the distribution of the orders among the tenderers were laid before the Railway Board by the Chief Mining Engineer towards the end of January. Now, my friend says that the Railway Board merely accepted the Chief Mining Engineer's proposals, they made no changes in them, they just blindly accepted them. It is rather remarkable that this particular accusation should be made in this particular year when a modification of an entirely unusual character was actually made by the Railway Board. The Board decided that, in order to assist the coal trade in the difficulties through which it is now passing, the quantity of coal to be taken from the market should be raised from 1,753,000 tons to 2,167,000 tons, with a corresponding reduction in the amount to be raised from the railway collieries, and it is perfectly obvious from that fact that it was a physical impossibility for the Railway Board to follow blindly the distribution proposed by the Chief Mining Engineer, because the quantity to be distributed had been increased by more than 20 per cent. The effect of this decision was to give the private collieries the supply of over 65 per cent. of the State-managed railways' requirements compared with about 54 per cent. in the current year. When the Railway Board had come to a decision how the orders should be distributed, a statement showing the names of the successful tenderers, with quantities accepted from them and the prices to be paid in each instance, was published in the Press. I think the phrase used in an earlier part of the discussion was "a hole and corner business". I do not think there is any hole and corner business at all when we published all the tenders in the newspapers and subsequently also published the names of successful tenderers. It is then open to any member of the public, if he considers that the action taken was improper, to raise the point, and I should be the last to deny that this is a proper subject for criticism. What I do say is that it is not correct. It is not fair to say that there has been a hole and corner business. All the facts and figures are published, and we invite the whole world to see them.

Now, Sir, I am in a position to say that the revision of the proposals of the Chief Mining Engineer by the Railway Board is a reality and is not by any means a matter of form. All important matters are brought by the Financial Commissioner of Railways to my notice, and I personally discuss them with him, and I cannot remember any year in which there was not a modification sufficiently important to be brought to me. I should like to emphasise that—that the responsibility does not rest with the Chief Mining Engineer, who only makes proposals; the responsibility for what is done rests with the Railway Board and the Financial Commissioner and, of course, with myself as the Member of Council concerned.

I should like now to deal with the question whether the distribution actually made was satisfactory or not, first, generally, and then, with reference to what has fallen from the Honourable Member. I think the

House knows that the coal trade is passing through very hard times, that a good many of the collieries are only just hanging on, and it is for that reason that the Government decided to raise so substantially the proportion of these requirements to be obtained from the market. I do not claim, of course, that we were acting on purely altruistic grounds, which indeed would be rather a questionable procedure for a commercial department. The position of our State railway collieries, the output from which can, if need be, be rapidly increased, puts us in a strong position when there is any attempt to organize a squeeze, and the prices are raised against us. But the position is rather different when things are going badly with the collieries, because it is not in our interests that a large number of collieries should have to stop working, since that might result in a gradual decline in the competition for the orders of the State railways, and that is the last thing which we desire. Now, clearly it was desirable that the contracts for next year should be fairly spread over a number of collieries. It would be no use to give increased orders to a few firms and leave the rest to go to the wall. I claim that our distribution, as a matter of fact, was fairly made. It enabled us to raise the proportion of second class coal taken from the market from about 23½ per cent. to 28½ per cent., to give Indian firms and businesses, who mostly deal in second class coal, about 42½ per cent. of the amount taken from the market instead of 37½ per cent. That our distribution of the orders has given general satisfaction may I think be fairly inferred from the telegram that was sent to me by the Indian Mining Federation immediately after the Honourable Member's speech in the general discussion on the Railway Budget. It is as follows:

"Committee of the Indian Mining Federation have carefully considered the press report of the remarks made by Mr. Ghuznavi in the Legislative Assembly on the 29th February to which their attention has been drawn by various members of the Federation. They dissociate themselves entirely from the criticisms made by the Honourable Member regarding purchases of coal for railways. The Committee of Federation must record their emphatic view that contracts for purchases of coal for railways for 1922-33 were fairly distributed and criticisms offered thereon unwarranted."

That deals with the general question. Now, I will turn to the particular point which has been brought up by my Honourable friend. I found a great deal of difficulty, and I dare say other Members did also, in trying to follow his figures in detail. They do not entirely correspond with the figures which were supplied to me. But, when my Honourable friend speaks of a possible benefit to the railways of half a crore of rupees, I am a little puzzled to know how he arrives at a figure of such magnitude. 50 lakhs of rupees a year means 5 million rupees a year. The State-managed railways do not consume 5 million tons; they only consume about 3,330,000 tons. Now, if there is to be a saving of half a crore of rupees, it must mean that this 3,330,000 tons, the whole of them, can be purchased at a rate Rs. 1-8-0 cheaper than they were actually purchased. Is that my Honourable friend's proposition?

Mr. A. H. Ghuznavi: No. I will reply afterwards.

The Honourable Sir George Rainy: I wish to be sure of that. I cannot push that particular point further at the moment except to say that the figures the Honourable Member gave seem to me on any assumption grossly exaggerated.

Mr. A. H. Ghuznavi: May I interrupt the Honourable Member for a minute? I have shown from the figures, which I shall place on the table, that you could have saved, on buying your coal alone, to the extent of about Rs. 8 lakhs. These figures will show; you can compare the prices which you paid and the prices which were offered, but which you did not accept. I then said that there would be a saving of another 32 lakhs of rupees from your State collieries. That is in this way. They have bought about 19 lakhs of tons this year, and I assume they want another 19 lakhs for their requirements.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): You also mentioned some saving from shipping?

Mr. A. H. Ghuznavi: I am coming to that. On shipping alone they have actually paid about a lakh more. These figures are all there, but in such a short space of time it is difficult to go into the details. I shall place them on the table. The savings on the collieries, according to me, would be over Rs. 30 lakhs, because you do not show your cost and I presume it is two rupees higher at least.

The Honourable Sir George Rainy: I shall be very glad indeed to see the figures put forward by my Honourable friend, and irrespective of anything that has been said to-day, I should certainly be glad to go into those figures and see exactly what they appear to establish. I should indeed be most grateful to my Honourable friend if he can show how we can save Rs. 30 lakhs on the working of our collieries. Quite obviously, any Government must be grateful to people who can make practical suggestions of that kind if they are in fact practical. I do not know how far I am right in my assumption, but I think the figures that the Honourable Member has given were based in the main on the coal which he thinks ought to have been taken from collieries under the management of H. V. Low and Co.

Mr. A. H. Ghuznavi: No.

The Honourable Sir George Rainy: Not solely, but including them.

Mr. A. H. Ghuznavi: No.

The Honourable Sir George Rainy: Not solely but including them. Well, Sir, as regards that firm, it is necessary that I should say something. It controls a very considerable number of collieries, and ever since the case which is known as the Church case, up till last year no orders whatever had been placed with that firm by the State-managed railways. For that policy I accept full responsibility. Last year, for the first time, the ban was lifted and an order for a certain quantity of coal was placed with the firm. It is quite true that the collieries managed by that firm did in a number of cases put up tenders for the supply of coal at a lower price than the tenders we actually accepted. The reason why we adopted that plan is that, in placing contracts, we have not to look only at the price but also to performance, and to the manner in which contracts previously given have been carried out. It is no use getting coal at cheaper prices if the loading at the collieries is bad, so that the railways do not receive the supplies at the time they are expecting them, or if the quality of coal received is inferior

to what has been asked for. Now in both these respects during the year 1931-32 a number of serious complaints had been received from the railways concerned about the coal supplied by this firm, and in the circumstances the Railway Board came to the conclusion that it was not desirable to place an order with this firm for more than a comparatively small quantity of coal, and I want to tell the House that, before these orders were issued, the Financial Commissioner of Railways drew my attention to the point and I entirely approved of the action taken.

Sir, I contend that the Honourable Member has not made out his case. What he has made out is that we did for certain qualities of coal not place the whole of the contract with the lowest tenderer, but in some cases, for what appeared to us adequate reasons we turned down the lowest tenders. That is undoubtedly so, but there were good and sufficient reasons for the action taken in every case.

I am not going into any elaborate disquisition about the management of the railway collieries because the single subject with which I have so far dealt is really of sufficient importance to take up the whole of the debate, but what I feel about these railway collieries is this. We publish annually in one of the pink books distributed with the Budget papers a statement of the costs of raising coal in these collieries. When I was in the Tariff Board and since I have held my present appointment, I have often heard a great deal of criticism of the cost accounts kept by Government departments, and we are always ready and willing to submit accounts of that kind to the criticism of the people in the industrial world who are in a position to speak with authority. I should like to inform the House that the balance sheets of the State railway collieries have been examined by representatives of the Indian Mining Association and the Indian Mining Federation, and neither body was able to suggest even a small item of expenditure as having been omitted which ought to have been included. That, Sir, is at any rate *prima facie* evidence that our accounts are kept in a reasonable way, and if that is so, then it is not the case that the coal taken from our railway collieries is costing us more than the coal which we purchase in the open market. That, Sir, I think, very nearly concludes what I need say. Perhaps I might just refer to certain practical suggestions which the Honourable Member made at the end of his speech. I have been compelled to differ rather strongly from the Honourable Member as regards the attitude he has taken up, but that makes no difference to my attitude to any practical suggestions he makes, and I am quite ready to consider them on their merits. What I cannot do is to admit that there is any reasonable and proper ground of criticism of the action taken on the ground that it was taken from improper motives and not for good and adequate reasons.

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. Sen (Bengal National Chamber of Commerce: Indian Commerce): Sir, before I begin, I should make a little personal explanation. I do

[Mr. S. C. Sen.]

not want to be so subtle as Mr. Ghuznavi. I must say that I have an interest in a small coal contract with a railway, but I am vitally interested in the coal trade and through my profession as a solicitor I have more than 95 per cent. of the colliery owners in Bengal and Bihar as my clients and I am a member of the Indian Mining Federation, from whom the Honourable the Finance Member has got a telegram of approval to his action. I must say I do not approve of what Mr. Ghuznavi said regarding the acceptance of tenders in this House. Every tender contains the usual clause that the lowest tender need not be accepted, and any person who makes the lowest tender cannot legally or even morally make a grievance that his tender has not been accepted. Before a tender is accepted, there are various things which have to be considered by the person accepting the tender. The personal element comes very much into the question of course. A person may tender at the lowest rate, but he may be known to be a person on whom no reliance can be placed if the market goes against him. That is the experience of every business man who does any business in coal or any other commodity where the contract is not a contract for a lump quantity but an executory contract which has to be performed in a year or so. Under these circumstances, if in the exercise of the discretion vested in an authority, he chooses to make a contract with persons whom he knows to be reliable, with whom he has had dealings and with whom he did not anticipate or did not have any difficulties, then I do not see what objection can be made or grievance felt. Moreover, in the coal trade the question of loading comes very much into practical play. A contract is generally made with the condition that the case will be free of any slacke, slate or stone. Now in the loading you can if you want to cheat put in as much slacke as you can. It may be rejected by the purchaser if he is alert, or may be taken by his subordinates if arrangements are made; therefore, although you may have quoted a very low price, you really charge a higher price than what you have put forward. Under these circumstances, I do not understand Mr. Ghuznavi's objection. Secondly, he has made certain charges, or rather insinuations, against Mr. Whitworth and also against his assistant. I do not know nor does the coal trade know of any justification for such insinuations. No facts justifying such insinuations have been adduced or hinted; they are unwarranted and unjustifiable. The Honourable the Commerce Member has told us that the giving of contracts and the acceptance of tenders do not rest with the Chief Mining Engineer of the Government or his assistant. These contracts are scanned by the Railway Board and, as stated by the Honourable the Commerce Member on the last occasion, especially by the Finance Member of the Board. Under these circumstances, what blame can be attached to Mr. Whitworth or his assistant I do not know. Then Mr. Ghuznavi has stated that the tenderers generally put forward, or rather tender for, quantities far more than what they can possibly deliver or what can be their output. I do not know whether Mr. Ghuznavi is thoroughly acquainted with the custom of the trade or the conditions under which Indian colliery owners or even European colliery owners have to conduct their business. As a matter of fact if there are no buyers, I can curtail my output of coal. Now having regard to the market conditions which have been subsisting for the last two or three years, it is well-known that both European and Indian collieries have been obliged to curtail their output. That does not mean that they have done so for good or that they cannot if occasion arises increase their output and supply all

the coal necessary. Then Mr. Ghuznavi raised the question of the collieries owned by the railways. There I join him in his condemnation of working of these collieries, as I in my opinion by opening collieries themselves the State have come into competition with private colliery owners. (Mr. N. M. Joshi: "Why should they not come into competition?") Sir, it is the universal practice in all civilized countries of the world that the State should not come into competition with private enterprise. (Mr. N. M. Joshi: "That is so only in capitalistic countries, not in civilized countries.") Here the State have not only come into competition with ordinary colliery owners, but they are practically killing them and with the resources at their command it is merely a question of time when private enterprise will be entirely killed. Of course Mr. Ghuznavi was wrong when he stated that the cost of production has not been shown by the railways, although this was demanded. The cost of raising of coal has been shown also in the Budget books published by the Railway Department, but the rates there given are misleading. The rates given there contain the rates not only for coal but also for slacke, that is small coal and dust. These are sold in the market at practically half the rate for which you can obtain coal. Therefore the rates shown there for coal are misleading and really the coal rate there is much higher than what is given. As regards coal contracts, I have said that there is no grievance which can be felt; as a matter of fact colliery owners, both European and Indian, do not complain of the way in which contracts have been given this year or even in the previous years (Hear, hear), and but for the action taken by the Government this year many of the Indian colliery owners would have shut their coal mines, i.e., if they had not got the distribution which has been made by the Railway Board this year. The Railway Board had the support not only of the Indian Mining Federation, of which I am a member, but also generally of the whole of the coal trade in Bengal. The Board is entitled to the thanks of the coal trade generally. Sir, with these remarks I oppose the motion.

Some Honourable Members: The question may now be put.

Mr. President: I accept the closure. The question is:

"that the question be now put."

The motion was adopted.

The Honourable Sir George Rainy: Sir, I wish to speak very briefly indeed. There was one part of my Honourable friend Mr. Ghuznavi's speech which I did not catch very distinctly, and therefore I obtained from the Reporters a copy of the type-script. The particular part to which I wish to allude is this. He said:

"Then, Sir, I will make another charge and a serious charge, and ask him to refute it. Previous to tendering, Mr. Whitworth and his friend Mr. Banerji are obviously in the habit of advising their friends what rate to tender."

The Honourable Member then went on to state what the practice was and ended up by saying:

"If any evidence is required of that I am prepared to furnish it."

He has not as yet given any proof, but what I wish to say is that I entirely repudiate that charge as being entirely without foundation.

Mr. A. H. Ghuznavi: Sir, the reply of the Honourable the Commerce Member has relieved me of the necessity of making a detailed reply. I should like however to say something about the telegram to which the Honourable the Commerce Member appears to attach a good deal of importance. Sir, the telegram from the Indian Mining Federation read out by the Honourable Member has not come upon me as a surprise, nor will the telegram which I am about to read come upon him as a surprise unless the Department of the Honourable Member's colleague, namely, the Posts and Telegraphs, has not supplied him with a copy, which was addressed to him. It appears from the telegram that I have received that a copy of it was addressed to the Honourable Sir George Rainy. It is from a member of the Indian Mining Federation and this is what he says:

"Some members of Federation who have secured orders under patronage have wired Home Member" (*This is a mistake; he means the Commerce Member.*) "as follows."

Then he gives the telegram which the Honourable Member has read out. But he has not read out the latter part of the telegram. He should have, in justice to me, read out this portion as well. I will read out the whole telegram. It runs thus:

"Committee Indian Mining Federation having carefully considered Press reports of remarks made by Ghuznavi at Legislative Assembly on 29th February to which the attention has been drawn by various Members of the federation dissociates. Committee of Federation records their emphatic view that contract for purchases of coal for 1932-33 was fairly distributed any criticism offered thereon unwarranted. Total Members on Federation below hundred. This wire has been sent by four persons in name of Federation. Kindly consider what was justification of sending such wire by Federation against the views of hundreds of colliery owners. Kindly anyhow get impartial committee appointed hundreds of colliery owners will come give evidence we shall prove conclusively merits and demerits of purchases by mining engineer before Committee. Railways losing millions through such purchases yearly. Wasteful management of railways collieries similar quality of railways collieries coal can be had from market at cheaper rate Federation all along fought against working of railway collieries past correspondences will prove that colliery proprietors offered similar coal at Rs. 2-8-0 per ton for ten years any quantity railway require. Railways collieries cost average few years over rupees four per ton explain how railways losing fifty lakhs yearly. Show this telegram all Assembly members. We appeal for appointment of impartial inquiry committee. P. C. Bannerjee, Member, Bengal National Chamber of Commerce, Indian Mining Federation."

The Honourable Sir George Rainy: That, Sir, is a telegram from a single individual, but the hundreds of colliery proprietors have sent no telegrams.

Mr. A. H. Ghuznavi: In justice to me he should have read this telegram as well. Whether the telegram which was sent on behalf of the Federation was sent by 4 Members and how far he is correct or how far that telegram which he received from the Federation is genuine, has yet to be seen. Sir, I have no further remarks to make because I find the Honourable the Commerce Member has not been able to meet my case. He has in a manner admitted all that I have said and with these remarks I close this debate.

Mr. President: The question is:

"That the Demand under the head 'Executive Council' be reduced by Rs. 100."

The motion was negatived.

Separation of Burma from India.

Mr. Jehangir K. Munshi (Burma: Non-European): Mr. President, I move that the Demand under the head "Executive Council" be reduced by Rs. 100.

By this motion I propose, Mr. President, to raise a debate on the future of Burma and to help Burma to exercise a free choice during the election which has been promised by the Prime Minister. A general election is to be held either in October or November this year on the specific issue whether Burma desires to separate from India or whether she desires to remain part of India, whether it may ultimately be a federated India or British India.

I wish to make it clear at the very outset that this motion is not designed as a vote of censure on the Government of India or to reflect in any way on the Government of India. As a matter of fact, I wish to express my gratitude to the Government of India for the efforts, which I believe, they have exerted as a result of the debate which took place in this House last year. I believe that it was mainly due to the efforts of the Government of India, as a result of the Burma debate last year, that both the separationists and anti-separationists were invited, and the Burma Round Table Conference was almost as representative as it could be reasonably made. This, I take it, was due to the good efforts of the Government of India, and therefore when I place this motion before the House it is not to censure them, but to afford them another opportunity of helping Burma to have an entirely free choice at the election next November. Now, in this connection I wish to read out a passage from the announcement made by the Prime Minister when he closed the Burma Round Table Conference. The passage is very short. Mr. Ramsay MacDonald, when closing the Burma Round Table Conference, said as follows:

"With this material before them the people of Burma will be in a position to decide whether or not they are in favour of separation from India. His Majesty's Government consider that a decision might best be taken after a General Election at which the broad issue has been placed before the electorate. (The life of the present Legislative Council has been extended for a year, but an election must be held before the end of the year)."

That decision will determine whether on the one hand Burma should be independent of India with a constitution on the lines set forth above or on the other hand should remain a province of India with the prospects indicated in the proceedings of the two sessions of the Indian Round Table Conference."

And then comes a very important observation:

"and in this connection, it should be remembered that if an Indian Federation is established, it cannot be on the basis that Members can leave it as and when they choose."

Sir, I confine my attention at the moment to this particular observation:

"and in this connection, it should be remembered that if an Indian Federation is established, it cannot be on the basis that Members can leave it as and when they choose."

Mr. President, I do not think this general observation made by the Prime Minister can be interpreted to mean a threat to Burma that if she decides at the next election in November to join the Indian Federation, she shall be forced to remain part of the Indian Federation for ever. As I understand this passage, it is a general observation which would be applicable in ordinary constitutional theory to federations, that when a federation is formed it is not lightly broken up, and when the Prime

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Minister was dealing with the subject, he had in mind all the units which would make up the Indian federation, and I do not think any narrow interpretation can be put upon it. When the Prime Minister made that observation he did not mean to convey a threat that if Burma entered the Federation, she would never be able to leave the Federation. But, after that, Sir, came the address to the Burma Legislative Council delivered by His Excellency Sir Charles Innes, Governor of Burma. I shall read to the House extracts from his address. When the House follows these extracts, it will bear in mind the general observation which the Prime Minister made in his announcement, and which I do not interpret—and I do not think the Government of India will interpret it—to mean a threat to Burma that she would be forced to remain in the Federation for ever. In the course of his address to the Burma Legislative Council on the 12th of February this year His Excellency Sir Charles Innes said:

“I have just said that the announcement has cleared the air and has made plain what is the choice which lies before the people of Burma. Either they can elect to enter the Indian Federation or they can elect to separate from India and to pursue their own political development apart from India, but the Prime Minister”.

and this is the interpretation put by His Excellency Sir Charles Innes on the observation of the Prime Minister:

“but the Prime Minister has made it clear that it will not be open to them to enter the Indian Federation on the basis that they can leave it as and when they like. This stipulation is not a device intended to impale the people of Burma on the horns of a difficult dilemma or to drive them into voting for separation. It is no easy matter to separate two countries which have been so long and so closely connected as India and Burma.”

I contend that His Excellency the Governor of Burma, in placing this interpretation on the general observation made by the Prime Minister, has gone a great deal further than the Prime Minister's words justify, and has practically said to Burma, “You have to decide whether you want to separate from India or whether you want to enter the Federation, but if you decide to join the Federation, you have got to stay in it for ever”. His Excellency Sir Charles Innes, argues that this is what the Prime Minister has announced. I contend that the general observation in the speech of the Prime Minister is not capable of this interpretation, and in putting this interpretation on it, His Excellency Sir Charles Innes has allowed himself to be carried away by his zeal. In the course of the same address, His Excellency the Governor of Burma, after making a number of observations, goes on to say, “I have no desire to prejudice the issue”. I offer no comment on this claim. Then later on, after assuring the Burma Legislative Council that, “He has no desire to prejudice the issue”, His Excellency Sir Charles Innes preached to the Council a political sermon as follows:

“The only point I wish to make is that the issues ought to be carefully thought out and squarely faced. There must be no thought of using India merely as a political convenience. There is no place in the Indian Federation except for loyal members content that matters of common interest should be managed in the interests of the whole, and ready and willing to contribute loyally and faithfully to the strength and well-being of the Federation. If Burma wants to separate from India, now is her opportunity. If not, let her throw in her lot with India whole-heartedly and without any *arrière pensée* and let her play her part as a loyal member of the Federation.”

This is the political sermon preached by His Excellency Sir Charles Innes to the Burma Legislative Council after claiming that “he had no desire

to prejudice the issue”. The interpretation placed by His Excellency Sir Charles Innes on that passage in the Prime Minister's announcement is naturally causing grave concern to Burma. As the House knows, political Burma is divided into two camps, those who desire to separate from India and those who do not desire to separate from India in view of the constitution offered by the Prime Minister. Burma has been given the option. She can elect to accept the constitution offered by the Prime Minister in the announcement made by him before the Burma Round Table Conference, or she can decide to join the Indian Federation if a Federation ultimately emerges, or remain part of British India if a British Indian constitution ultimately emerges. There are two schools of political thought in Burma; one school, although very much dissatisfied with the constitution offered by His Majesty's Government, wants to separate from India and take its chance of obtaining something more in the near future. There is another school of thought which is equally dissatisfied with the constitution offered by the Prime Minister, if not more so, and wants to remain with India believing that, by remaining with India, Burma would be better able to solve her political problem. But this threat that once Burma enters the Indian Federation or the Indian constitution she must remain in it for ever, is likely to deprive the electorate in Burma of the free choice, which, it obviously was the intention of His Majesty's Government, to give to the people of Burma. If a choice is to be given to the people of Burma to make a decision, it should be a free and unfettered choice. There should be no restrictions and no threats. As I say, Sir, I do not interpret the Prime Minister's announcement to impose any threat or restriction whatever, it is a general observation; but His Excellency Sir Charles Innes has attempted to put an interpretation on it which goes much further than the words of the Prime Minister. This has caused an apprehension in Burma, and I am asking this House to help me to make it clear—as the Indian National Congress and then the Federation of the Indian Chambers of Commerce have already done—that it is for Burma to decide whether she wants to separate from India or whether she wants to join the Indian Federation, if a Federation emerges, or to remain a part of British India, if ultimately a British Indian constitution emerges, and further—and this is the most important point which I want to urge before the House,—that if Burma decides to join the Indian Federation or the Indian constitution, she shall be free to leave it when she chooses to do so. That and that alone would be a free choice given to Burma. (Hear, hear.)

I have not the slightest idea as to what the attitude of the Government of India is; but I take it that they are determined that Burma shall have a square deal and completely fair play on this question. And if that is their intention, I feel confident that the Government of India will have no difficulty in supporting the proposition which I want the House to endorse, that Burma shall be at liberty to leave the Federation or the Indian constitution when she chooses to do so. I see, Sir, that my last remark has caused some amusement to my Honourable friend the official Member from Bengal. Perhaps when it is his turn to speak he will explain exactly what amuses him. It is superfluous to state that if and when Burma leaves the Federation she shall be doing so on the necessary adjustments, as there must be adjustments even now. The point really is this. Is this House or the Government of India prepared to force Burma to separate now if it is Burma's desire not to separate now but to separate,

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if it is found necessary to do so, 10, 20 or 30 years hence? That is really the issue in a nutshell. If Burma says she does not want to separate now, are we going to force her to separate now by this threat? It may turn out that Burma may not want to separate at all; but I do want Burma to have the right to secede or separate if and when she chooses to do so; and she should not be subjected to this threat which has been imposed on her by His Excellency Sir Charles Innes, to which, I do repeat, the Prime Minister was not a party.

I am very glad that my Honourable friend U Kyaw Myint has arrived in Delhi just in time to take part in this debate. He has taken a very keen part in the separation controversy in Burma during the past 12 months. He represents one school of political thought in Burma, and he is looked upon as one of the prominent leaders of that school of thought. He will therefore be in a much better position to tell the House what Burmans feel and think about the constitution in general and this question of the Governor's threat in particular. We have also our Honourable friend Mr. Tait in this House, who also will be giving his views about the political situation in Burma. Of course Mr. Tait will be labouring under this disadvantage that he does not read the Burmese papers and does not attend Burmese political meetings; he is not in close touch with Burmese politicians. But my Honourable friend Mr. Tait has a buoyant temperament and an optimistic nature. (Laughter.) He still may claim that he knows more about the sentiments of Burmans than my Honourable friend U Kyaw Myint. (Laughter and cheers.) But when that claim is made, U Kyaw Myint will deal with it.

My object in making this motion is to raise this debate on Burma and to ask this House and also to request the Government of India to help Burma to have a completely free choice at the next election, and to endorse this proposition that if Burma decides to join the Indian Federation or the British Indian constitution, whatever it may be, she shall thereafter be at liberty to secede or separate if and when she chooses to do so. (Applause.)

Mr. John Tait (Burma: European): Sir, coming from a very distinguished Barrister, the interpretation which my Honourable friend Mr. Munshi places on the words of the Prime Minister is almost an unexplainable one. The only interpretation which can be placed on the words of the Prime Minister is exactly what those words say. They say in clear language that if Burma decides to enter the Federation, she must remain within the Federation. There can be no question as to what the Prime Minister meant by that. He said exactly what he meant and his words meant exactly what he said.

The theme of my Honourable friend's speech is not whether Burma should separate from India or should remain as part of Federal India. What he wants now is that Burma should be allowed to join the Indian Federation and at the same time have the right, whenever she decides to exercise that right, of seceding from the Federation. The question as to whether Burma is or is not to have a free vote is another matter. Mr. Munshi does not particularly want merely a free vote. What he wants is some other thing on which Burma can vote. Burma is quite

definitely going to have a free vote, either for separation or for remaining permanently within the Federation. What he wants is that Burma should be able to vote not on these two alternatives which have been offered to her, but on something quite different. So it is not a question of Burma not having a free vote, but that Burma should have something else on which to vote.

Now, what strikes me and what must also strike Honourable Members of this House is that this is the first occasion on which this point has been raised, as to whether Burma should be free to join the Federation and later on leave it when she wants to do so. This is the first occasion on which that point has been raised. (Mr. Jehangir K. Munshi: "Question.") And if there was any substantial feeling in favour of that particular point, surely it would have been mentioned at least at the Burma Round Table Conference in London before the Prime Minister made the remark or it would have been mentioned in the Burma Legislative Council. The session of the Burma Legislative Council has just now terminated, and there unquestionably are quite a few in that Council who are prepared to voice the views of the anti-separationists, and it is remarkable that not one member in that Council raised this particular point; neither has it appeared in the Press. It may, I admit, have appeared in some of the vernacular papers. On that I cannot say one way or the other; but I do contend that if it was of any material importance whatsoever, it would have appeared in the more widely read Press of the province.

Now, what is to be the actual effect of this reservation should it be agreed to? No one, I think, who knows anything about Burma and who has had experience in that province will deny that there unquestionably has been and still is a definite anti-Indian feeling amongst the Burmans. The tragic events of May 1930 and subsequently are eloquent enough if proof was required that that feeling has not been submerged and is ready to boil up again at any moment. I submit that there is nothing in the view of most reasonable men, more certain to retard the development and the industrial progress of Burma than the perpetuation of this disturbing and most regrettable clash of racial feeling; and I submit further that this is exactly what such reservation would be likely to effect. It will preserve an atmosphere of discontent against what is called the peaceful penetration of Indians into Burma; parties of irreconcilables will come into existence distracting the attention of the people and the country at large from the main consideration of the working of the constitutional progress of Burma and all that Burma stands for. We Europeans in Burma have never taken sides on this question of separation. On the facts as we now see them, it is our opinion that it will be in the interests of Burma, if she does decide to separate; but we now and always have said that it must be left for the Burmans and Burmans alone to decide whether or not they will separate from India or will remain as a constituent part of Federal India. But, and this is a very big but, we are definitely not prepared to support the plea now put forward by my Honourable friend, Mr. Munshi, for we are definitely of the opinion that it is not in Burma's interests to perpetuate a feeling of uncertainty as to Burma's future. Let Burma decide now one way or the other,—to separate or remain within India; but above all, let her decide finally.

[Mr. John Tait.]

And what is Federal India going to have to say about this suggestion? A federal scheme with all its ramifications must provide for an India which will include Burma and that same scheme of federation will unquestionably not suit an India without Burma; and is India going to put herself in a position when she forms her new constitution that at some uncertain date entirely outside her own control, one constituent member should be allowed to secede and upset all the arrangements and all the scheme? Surely in a Federation, representation of which in the Central Government is worked down to the basis of single seats, the question whether or not Burma will continue to send representatives to the central Legislature must have the effect of upsetting the balance of representation between the various communities. It is not certain at all with the passing of years on what side the weight of the Burmese representation will be thrown; will it be on the side of the Muslims or on the side of the Hindus? It all depends what kind of representative comes forward; and if Mr. Munshi comes as representative of Burma, would he vote with the Muslims or with the Hindus?

That is all I have to say; but I do say on the facts it is a most extraordinary position that Mr. Munshi should come here and raise this new issue which so far as the whole world knows, nobody else has asked for and nobody wants.

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce):

3 P.M. Sir, in order to understand the implications of the issue placed before the House by my Honourable friend, Mr. Munshi, it is necessary to dip into the history of this question. As a somewhat active member of the Burma Sub-Committee of the Round Table Conference, I think I am in a position to tell the House something about the matter. When the question was first raised before the plenary session of the Round Table Conference, a decision was reached in, I think, less than three-quarters of an hour's discussion, and it took most people by surprise. I am not going to deny that it was due to the members not being sufficiently wide awake with regard to the issues before the plenary Conference. Before they realised exactly what was happening, the Prime Minister declared that a Committee would be appointed, and that the question of separation would be regarded as settled. I remember one or two of my friends on the Round Table Conference inquiring when this announcement was made whether it was possible in the Committee to raise the question of separation, and the Prime Minister said, "No". It was not possible in view of the fact that most members were not prepared to fight the issue out at that stage for anybody to say anything on the spot, and the fight was transferred to the Burma Committee of the Conference. At the very first meeting of the Committee, I raised the question of separation. I pointed out how the decision had been rushed through, and I wanted to know whether it was open to any member of the Committee to reopen the issue in the Committee. The Chairman of the Committee, the late lamented Earl Russell, ruled that the question could not be raised in the Committee because the Committee was only asked to define the terms upon which separation should be effected; but he gave the Committee very clearly to understand, in view of the strenuous opposition of some of us, that it would be open to me or to any other member of the Committee to raise that question again in the plenary

session. Thereafter we proceeded to discuss the general principles upon which separation should be effected and we put up a report which came up in due time before the Round Table Conference. There, my friend, Mr. Shiva Rao, and myself, led the attack. We pointed out what the implications of the whole business were, and we secured such support from most of the members of the Conference that the Prime Minister at the end was compelled to say that an opportunity would be given to the Conference to reconsider the question before the separation of Burma was an accomplished fact.

The next thing in this little drama was an announcement on the floor of the House of Commons after a few weeks by the Secretary of State or the Prime Minister—I forget by whom exactly—stating that it had been decided that Burma should be separated, and that a separate Conference would be held in order to consider the terms on which it would be possible to effect that separation. I may say in passing, Sir, that our strenuous opposition to stampeding Burma into a hasty decision was not exactly relished, and I remember the gibe which the Chairman of the Committee, Earl Russell, flung at me when he said that I appeared to be feeling more for Burma than the Burmans themselves, and I retorted that I felt as much for Burma as His Lordship himself. To proceed with my argument, we are not considering this question from the point of view of Indian interests. We who claim the right to self-determination must recognise the right of Burma also to self-determination. All that we say is that if the issue is put fairly and squarely before Burma, and if Burma decides to separate, and if the terms upon which she is going to separate are mutually acceptable, then it is Burma's business and not ours, and we wish them joy of their new constitution. That is the position which we have all along taken. It is a question entirely for Burma to decide, and the only thing on which we in India demand an effective voice is the terms upon which separation should be effected, what financial adjustments are to be made, how the various communities are going to be treated under the new constitution and various other questions of a like character.

Sir, the reason of my little incursion into the history of this question is this,—I want to put it very bluntly before the House,—that the fresh term which is now being sought to be imposed upon Burma is part of the whole game of forcing Burma to separate. I do not know why the Burmans should be told at this stage that they have to make an irrevocable choice. If after 50 years of connection with India it can lie in the mouth of Burmans to claim separation, why cannot Burma after 50 or 5 or 25 years of existence in the Federation, claim separation from the Federation? My point is that in asking the Burmans to make an irrevocable choice here and now they are being forced to decide in favour of separation and it is not a free choice which Burma has got before her. That is the whole point of the motion before the House.

Now, Sir, it is quite true that Burma cannot come into the Federation and get out of it as and when she likes. After all, there will be various other units in the Federation who will want to have a say in the matter, just as at the present moment there is the British Government, the Government and people of India and the Government and people of Burma. Therefore, Sir, my submission is that Burma cannot claim that she can enter and get out of the Federation at her sweet will. If, however, after a few years' experience, Burma can put up a case before the Federation for separation, and if she satisfies the other units of the Federation that

[Mr. H. P. Mody.]

she is prepared to shoulder all the responsibilities and agree to all the adjustments which are necessary before she is allowed to separate, if Burma can do all these things, then I cannot imagine the Federation holding out against such a claim. I would like to give this House the parallel of the Irish Free State. For centuries Ireland was a part of the Empire, and by mutual consent, not by revolution, though revolution may have led up to it, but in the last stages by mutual agreement between the representatives of Great Britain and the representatives of the people of Ireland, the Irish Free State was created. Well, if the Irish Free State was able to establish its claim to a separate existence, why should it not be possible for...

Mr. Arthur Moore (Bengal: European): It is within the Empire.

Mr. H. P. Mody: The Irish Free State is for all practical purposes a republic. I will not say that it is not technically a part of the British Empire, but it is practically independent; the very words "Irish Free State" proclaim it. Let not my friend Mr. Arthur Moore forget what the new President has told the world only a day ago as to the oath of allegiance and various other matters. I do not want to push the parallel further. I only say this, that if it is possible for Ireland to establish a case for separate existence, then I say it is equally possible for Burma at a later stage to establish a case for separate existence if she can satisfy the other units of the Federation that she is entitled to it and that she is prepared to shoulder her fair share of the burdens which the Federation has incurred on account of all units of the Federation. And just as by mutual consent on terms honourable alike to Great Britain and to the Irish Free State, a new State was created, so it may be at a distant date Burma may set up a claim, and by mutual consent get out of the Federation. I have no fear however that Burma will make that demand, because if India is to be a responsible equal member of the British Commonwealth, as she is bound to be, if not today, at least in the next few years, and if she attains to the full stature of her opportunities, it is possible that Burma may find that it is a far more honourable existence to be a unit of that Federation than to break away from that Federation and set up an independent Government. That, Sir, will assuredly happen, and, therefore, in order that the decision of this question may be arrived at in an unprejudiced and dispassionate atmosphere, I want that no conditions of any sort or kind should be imposed upon the Burmans which would drive them to give a decision which they otherwise would not. In other words, let Burma have a free choice, an absolutely unfettered choice in the matter; let not any threat be held out to her. If she wants to get out at any time, she can set up a claim to do so. Who is to say that she should not get out? What is the position of the British Government? When the Federation comes into existence, will it lie with the British Government to say "You can get out or you cannot get out"? It will be for the Federation to decide the issue, and therefore I refuse to recognise the *locus standi* of the British Government in the matter. Otherwise, it would mean that the British Government were going to decide the future of Burma for all time. That is not the correct position. The position of Burma will be decided by the Federation, and by Burma as a component part of that Federation. For all these reasons, I am strongly in favour of the motion which has been placed before the House by my Honourable friend Mr. Munshi. I only wish that the representative of Burma, Mr. U. Kyaw

Myint, will make it clear that Burma is not going to claim that she can get in and get out of the Federation as and when she likes, that she will be prepared to satisfy the future Federation, if at any time there is a compelling desire in Burma to separate, that there are valid grounds for separation, cultural or any other, and that the separation would be in the interests of both Burma and the Federation,—I want my friend to make that clear, so that there may be no misconception in the mind of any Honourable Member of this House, or the public at large, which, I think, awaits with anxiety the decision of this issue.

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam: Non-Muhammadan Rural): Sir, at the very outset I would like to ask whether Burma is going to be separated from India or whether it is going to be separated from England, because throughout the whole discussion this question of separation has been creeping upon us, and we who make the other half are not properly consulted in the matter. Sir, I come from Madras, and from there large sums of money have been invested in Burma, and many of our people have settled in Burma and thus made modern Burma and I consider that we should have a vital say in the matter of the separation of Burma. I do not for a moment like to say that we, who are wedded to the principle of self-determination, are not prepared to grant the same principle of self-determination to Burma. I am not going to say that. On the other hand, we wish Burma all joy in its desire to determine its future for itself. But, before it does, we should also like to know what are the feelings of those people in this country in the matter, whether they would be consulted and whether their interests would be properly safeguarded. These are things that we cannot possibly, even in our enthusiasm for Burma's future, ignore. Regarding Burma, I would like to say this, that, so far as Burma is concerned, she is culturally as well as racially different from us, and the union of Burma was forced upon us. We never wanted Burma to be mixed up with India. Against the united voice of the Indian National Congress and against the wishes of the people, the wars against Burma were undertaken, and Burma was forced to enter the Indian Empire. We never wanted her. Large sums of money have been spent on Burma, and that against our wishes. Still, in our desire for freedom we do not stand in the way of the wish of other people to secure their freedom. If we ask that some security or some guarantee should be given for the vast interests that we have in that country, however hard it may be that we should ask another people to pay the price of their slavery, we could not possibly consent that the material interests that we have there should not be taken into proper consideration and duly safeguarded. As regards the question of federation, at the time when Burma wanted separation, the cry of Burma for Burmans was a legitimate cry which not only was heard in Burma, but in other provinces of British India also. I know for a fact that the Andhras of our own parts wanted Andhra for Andhras, I know for a fact that Mysore wanted Mysore for Mysoreans. . . . (Mr. B. Das: "And Orissa for Oriyas.") . . . and Orissa for Oriyas, as my Honourable friend Mr. B. Das is always anxious about his province. (Mr. H. P. Mody: "Orissa for Mr. Das.") (Laughter.) Therefore, it is a very natural desire on the part of Burma to secure the promotion of their own individual expansion and progress, and we do not stand in the way of her unfettered growth. But, Sir, the question of federation came in a little later after the cry of Burma for Burmans. In considering the question of federation, we have to consider two things.

[Mr. B. Sitaramaraju.]

One is the question of the federation of British Indian provinces, and the other is the question of federation where not only British India is concerned but also the Indian States. If Burma desires that in the federation she should occupy the position of an Indian State *vis-a-vis* the federation, there is still room for her in that federation. There are certain common interests which would prudently show to Burma that it would be in her interests perhaps if she continued to be part of the federation. For instance, there is the question of common defence, common trade, and political co-operation which is needed before Burma can lead a successful and prosperous life. All these considerations must prudently dictate to Burma that it is in her own interests that she should be a part of British India, but whatever that be, our politicians and statesmen have already accorded to her that self-determination which they themselves want. As regards the Premier's statement, "once in a federation always in a federation", I would like to say this. Even in this question we have to take into consideration two aspects. One is the question of the geographical unity of India. So far as the geographical unity of India is concerned, I for one would think that there could be no choice for any province within that geographical unity of India to say that she could come in or go out of the federation as she liked, or else the federation would be unreal. But so far as other provinces, like Burma and the Islands, are concerned, they are not exactly within the geographical unit, but they form part of the Greater India if I may say so and I for one—it is my own personal opinion—see no reason, when they are asked to join, and if they do, why they should not have the same liberty of getting out of it if they want, provided by their separation they do not inconveniently handicap British India in the scheme of constitutional growth.

Sir Hari Singh Gour: I think, so far as we on this side of the House are concerned, we do not wish to place any consideration before our fellow Burmese subjects except one, and that is that if the Burmans wish to separate, they are free to do so; if they wish to remain joint, they are equally free to remain joint,—that we on this side are not prepared to set any fetters upon their discretion, and that I submit is all that is exercising the minds of our friends from across the seas. In this connection, Honourable Members will observe that the Round Table Conference is, at the present moment, thinking of several federating units including the Indian Princes, the Indian States. When the deliberations of the Round Table Conference contemplated the union of British India with the Indian States, did anybody make any condition with the Indian States that, "If you wish to come into the federation, you will never be free to get out of it"? If that condition was not made with the Indian States which are at the present moment not a part of British India, I wish to ask why this condition should be taken as superimposed in the case of Burma, which is already an Indian province, and has been so since 1886. That I think makes us suspect that the condition is made so as to produce a mentality in the minds of the Burmans of now or never. That I submit is not one of the conditions which is laid down as a condition precedent to any principle of federation in the known federated constitutions of the world. It is like telling a fair lady from Burma, "I am prepared to unite with you, but there shall be no divorce, under any condition, under any circumstances". That I submit is a condition which I think no fair minded man or woman can accept. (Laughter.) I therefore submit that

when we discuss this question of federation, let us not obscure the issue by referring to any vested interests either of India or of other communities in that country. I know my friend Mr. Tait's views. He says that he as a representative of the Europeans in Burma has no sides, but nevertheless as a friendly adviser along with the other European merchants in Rangoon and elsewhere, and looking at the question from a purely non-commercial and detached point of view, he and they would counsel their Burmese friends to go in plump for separation now. That is their disinterested advice, but I am quite sure that my Burmese friends would not walk into the European parlour because they know with what object that invitation is made.

Mr. John Tait: On a point of explanation, Sir, may I interject? It has just occurred to me that the Honourable Member who of course has had personal experience of the position in Burma, made a remark in a debate in this House on this question of separation. He said this:

"It must be said to the credit of the British merchants in Rangoon that they were not asking for separation because it would serve the interests of the British mercantile community."

These are the Honourable gentleman's words.

Sir Hari Singh Gour: Well, Sir, I have still to learn that that is a personal explanation. What I am now trying to impress upon the House and upon our Burmese fellow subjects as the considered opinion of the elected Members of this House is that we on this side of the House are not in favour of fettering your free judgment. If you wish to separate, you are welcome to do so, but if you wish to remain joint you are equally welcome. You are already joint with us, and when your judgment is being influenced by vested interests and interested parties that there is a cultural and racial disaffinity between yourself and the people of India, they overlook the grand fact that Burma has been a sister province of India and considered as a religious and cultural part of India long before the birth of the British dominion in the East, and whatever may be the difference visible and apparent between the Burmese and the Indians, there is, at any rate, that innate affinity between the two races which time cannot destroy and which time will strengthen. Indians feel that the Burmese should get a fair deal and their judgment no more than the judgment of the other Indian States which have been invited to join the Indian federation should not be in any way fettered by the condition being placed—that if you come in now you will never be able to get out. Sir, it has never been said by those who have laid down this condition that if you wish to get out, you get out, and if you wish to come in you will be equally welcome to come in, subject to the same conditions regarding mutual adjustments. The fact that the condition is one-sided makes me somewhat suspicious of that condition. The Prime Minister's statement is a perfectly plain and straightforward statement. He said no more than what is the fundamental principle of all federated constitutions, namely, that the federating units cannot by their own will decide that they will get out of the federating union. Such a union is a contract and it holds good till the two contracting parties choose to dissolve it. That being the case, we need not go beyond what is the accepted canon of constitutional law, and I do not think my Burmese friends need have the least apprehension that if they are once tethered to the central pole of India, their escape to

[Sir Hari Singh Gour.]

a free and independent life will hereafter be impossible. Sir, the very fact that India is to have a federal constitution, the very fact that the federal constitution means and implies that the Federal Assembly will be the spokesman and voice of the federating union, that alone should be a sufficient guarantee to all who join the federating union that the question of their remaining joint and remaining separate will be a matter of a family conclave in which all the federating units will have a potential voice. It is not a matter which can be decided by a unilateral action. That being the position, I do not think anybody is justified in laying any emphasis upon the condition upon which jointness will be accepted or separation granted. I therefore think that Mr. Munshi has done a public service to the land of his adoption in coming before this House to ask us as to what we think on this momentous question which is exercising Burma, and which naturally is dividing Burma into two sharply antagonistic camps. I am glad that we have Maung Kyaw Myint amongst us. He is the spokesman of a large section of Burmese opinion. His voice would be the voice of one who speaks from inner knowledge of his people, and who will express what is the underlying spirit which works the people of Burma in this connection. We should be all very glad indeed to hear him, and whatever he may say, let him, at any rate, carry with him this assurance from the elected Members of this House, that so far as we are concerned, our good wishes follow him to his home and to his fellow countrymen, and if they decide to remain with us, we and they will shoulder the joint responsibility of whatever constitution may be given to them and us.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, on this side of the House there is no disagreement on the question that has been raised by my Honourable friend Mr. Munshi. On a previous occasion when the question of separation of Burma was debated here, we made our position perfectly clear—that we are willing to afford to Burma the opportunity of making a free choice, that is to remain connected with India or to separate from us if that serves her interest best. We have not changed our position in that respect, but the position that has now arisen as stated by the Mover of this motion, is that a sort of clog is sought to be put on the choice of Burma which has been asked to decide whether she will separate from India now or remain with India for ever. It seems to be a rather curious condition to lay down that if Burma chooses to remain in the Federation, she must remain in that Federation for ever, even if her interests or the interests of the rest of the federated units may at a future date require separation. That is a matter for the future. No one, not even the Prime Minister of England can say what are the circumstances which are likely to arise in the future with reference to the needs of India or Burma, and I do not see why he should have gone out of his way to lay down a condition like that, if that be the real meaning of what he said. I really doubt whether a statesman of his position and world-wide fame would think of laying down a hard and fast condition as to what should be done, not at present but with reference to what may or may not happen in the future. Sir, the position has been very clearly put by my friend, Mr. Mody. We say that if Burma chooses to remain with us as part of a Federation, then in that case she is welcome to do so; and if at any future date the condition of things changes and Burma desires that she should separate, that it is in her

interest to separate from the rest of the federated units, then in that case undoubtedly she will consult the other federal units and the other federal units will also have a say in the matter. Questions of adjustments and various other questions of that kind will arise, and undoubtedly both the parties will have to sit down and decide under what circumstances and on what conditions there should be a readjustment of the federal units. That is a perfectly fair proposition and I am sure my Honourable friend, Mr. Kyaw Myint, who is here representing a very large party in his own province of Burma, will agree that that is a position which is perfectly fair to both sides, and if he accepts that position, there can be no difficulty in the matter at all. We wish to assure him that so far as we are concerned, we do not like to put down any condition which will in any way interfere with the free exercise of the option that has been given to Burma.

Mr. Arthur Moore: Sir, it seems to me that Mr. Munshi, in his endeavour to correct a mistake which he believes to have been made by the Governor of Burma, is in danger of leading the House to commit the opposite mistake, and I was very much reassured to hear the speeches of the Leader of the Nationalist Party and my friend, Sir Abdur Rahim, the Leader of the Independent Party, on the point, because I think they have both put the case in the correct perspective. I agree with Sir Abdur Rahim that it is not likely that Sir Charles Innes can be interpreted as having laid down a condition for Burma that if she comes in, she is always in. I have read the speech, and it seemed to me that what he was doing was to put in other words what the Prime Minister had said and what Sir Hari Singh Gour has told us is the fact. Now surely if you are federating, it is right to come into the Federation in a serious spirit. There are obvious arguments in favour of Burma coming into the Federation. She has a real choice to make. There are arguments on both sides. If she elects to come into the Federation, surely it ought to be, because she is convinced by the arguments in favour of doing so, and she should come in whole-heartedly, with every intention of profiting by that Federation and of being a loyal member of it. She should not come in light-heartedly with the idea of having a look at it before she goes out. Surely, when you are drawing up a federal constitution, you are much more interested in notices marked "Way in" than in notices marked "Way out", and I think it would be a very great mistake if by any division today we were to undo the useful warning which has properly been issued, and we were to create the wrong impression that Burma can actually go out when she likes. I do not for a moment suggest that Burma could never go out. I think the position has been correctly stated, and I am quite sure the Members for Burma can feel that we are all entirely agreed that if Burma chooses to stay out, then, as every speaker has said, we wish her well, and if Burma comes in, we shall be glad to have her. (Applause.) But I think it would be very unfortunate if we were to set out to try and dangle baits in front of the different members of a possible Federation, and to advertise that the principal bait is that they can get out. I quite agree with my Honourable friend that there ought to be no distinction in this matter between Burma and the Princes. I would go further and say there ought to be no distinction between Burma and our present provinces, which we expect to become constituent states, in the Federation. All units in the Federation come in on the same terms, and we hope that they will all come in with the intention of remaining in. If at any future date any member of the

[Mr. Arthur Moore.]

Federation desires to go out, obviously that is a matter which has got to be adjusted between all the members of the Federation. (Hear, hear.)

Mr. B. Das: Sir, I am sorry I have to strike a different note to what some of the observers have said a few minutes ago. Sir, I stand by the Congress Resolution that was passed at Karachi. I also stand by the Resolution which the Federation of Indian Chambers of Commerce and Industry passed last year at Delhi and to which I was a party. I can assure my Burman friends, Sir, here and also outside that they are at liberty to separate when they like: and if they are ill-advised by the Premier or by anybody under the threat of a loaded pistol that if they are not separated now, they cannot secede from India afterwards, they must know it that the unanimous voice of India, the voice of the Indian National Congress and the voice of the Federation of Indian Chambers of Commerce and Industry is that they can remain with us to raise us all up to the status of a Dominion. Thereafter, as a special case, India will not stand in her way, however, if she wishes to separate and secede from India afterwards.

I would just read two lines of the Resolution of the Indian National Congress held at Karachi:

"This Congress recognises the rights of the people of Burma to claim separation from India to establish an independent Burman State or to remain an autonomous partner in a free India with the right of separation at any time they may desire to exercise it."

I would also quote from the Resolution of the Federation of Indian Chambers of Commerce and Industry that was passed in Delhi last year:

"The Federation is of opinion that the question of the constitutional evolution of Burma should be left to the decision of the people of Burma."

Later on it says:

"The Federation therefore urges that full and proper facilities should be provided for the people of Burma to express their free and clear opinion on this matter otherwise they will render it more difficult owing to repressive laws now in force."

Sir, it is said by some interested parties—I do not know whether it is the Government of Burma or the European interests in Burma,—that once the Burmese people come into the Indian Federation, they will never be allowed to separate from us. The same expression of view was expressed by my Honourable friend Mr. Arthur Moore just now when he said that once Burma comes into the Federation there is no going back. I however entirely agree with the views and the speeches that were delivered at the Karachi Congress that we have no desire to keep down Burma. We want self-determination for ourselves and we want the same self-determination for Burma. Yet we do not want them to be deprived of their existence and not to attain the full stature of Dominion status by being separated now. I will just read a few lines from my own speech which I delivered at the Federation of the Indian Chambers of Commerce which sums up my view on the subject:

"However, on behalf of the Federation, I want to make this assurance to the public of Burma that Indians will not stand against the Burmese desire for separation. But the Indians would not like that Burma should be separated and turned into a Crown Colony of England, but that Burma should attain the same Dominion Status and, above all, we all Asiatics want eventually an Asiatic Federation of all Asiatic nations. We would like that Burma should remain alongside with India as our equal partner and work up to that high ideal of Asiatic nations and if the Burmese people, in time, decide to secede, as I deem they want the right of secession from India after the attainment of Dominion Status, it is their lookout and not ours."

I still hold that view.

U Kyaw Myint (Burma: Non-European): Sir, a year ago in this House I moved successfully a motion which resulted ultimately, I flatter myself, in at least one portion of the Premier's statement. This time last year the question of separation was regarded practically as a closed question. We have now, thanks to the sympathy that was received in this House and to the sympathy of the Indian Government, achieved something tangible. We have been given a chance—Burma as a country and as a nation has been given a chance of deciding her own future. But my Honourable friend Mr. Munshi shares with me the fear that this threat that, if you enter the Federation, you are doomed for ever, and the spirit in which this threat is being uttered, are exercising to a great degree the minds of my people. I am particularly obliged for the speeches of various leaders of the Nationalist and the Independent Parties and I am really grateful for the speech delivered by my Honourable friend Mr. Arthur Moore. Sir, we have come to the parting of the ways. I feel, as also Mr. Munshi apparently feels, that, on the one hand, no bait should be dangled in front of us, but, on the other hand, no threats should be uttered. Leave us to choose for ourselves. That is all we ask for. The idea that, if you enter the Federation you cannot leave it any time cannot appeal to educated persons; but it is an idea that frightens, at any rate for the time being, uneducated persons who will have a large share in the actual election. I am glad that this debate has given various leaders in this House an opportunity of defining the attitude of this House and also augmenting the attitude that the Congress has set out in the Resolution passed at Karachi last year. I am grateful to my Honourable friend Mr. Das for reminding the House of two Resolutions, one passed by the Karachi Congress and the other passed by the Federation of Indian Chambers of Commerce.

My Honourable friend Mr. Tait was pleased to say that this was the first occasion on which this particular point has been raised in public. I am sorry to have to correct him. I was myself responsible for many statements in public in Burma. They were made before Burmese audiences and also in the Burmese Press. I repeat, I was myself responsible for many statements on this momentous subject. As soon as the Prime Minister's statement was published, we took grave objection to the sentence that has been read out by Mr. Munshi. Here, unwittingly probably, was a threat, but we were prepared to take it. After all, it was a statement of a general character without any particular reference to Burma. The sentence speaks for itself. But this was followed within a few weeks by a statement included in the speech of His Excellency Sir Charles Innes, the Governor of Burma. There we certainly drew the line. Whereas the Prime Minister's version was a statement of a general nature, in the speech of Sir Charles Innes we certainly thought that he was misinterpreting the Premier's statement. That is why I am particularly grateful to my Honourable friend Mr. Arthur Moore for his contribution to today's debate.

I would assure my Honourable friend Mr. Tait and this House that this is not the first occasion that this point has been raised in public, although naturally it is the first time that it has been raised in this House. The Prime Minister's statement is only a few weeks old. Naturally also, this point was not raised at the Burma Round Table Conference because nothing could follow the Prime Minister's statement which was indeed the end of the Conference. Equally naturally—and there I must disagree with my Honourable friend Mr. Tait—it was not raised in the Burma Legislative Council. That is a separationist body—witness the various

[U Kyaw Myint.]

Resolutions it has passed in favour of separation. We had a gentleman in the Burma Legislative Council who was an ardent anti-separationist until very recently. Sir, you may perhaps remember, and I think at least a portion of this House will remember, that I pointed out in my speech last year that the Burma Legislative Council was boycotted by the General Councils of Burmese Associations which undoubtedly represent the vast majority of the Burmese people. They will of course have to lift the boycott on the separation issue. So, naturally, the Burma Legislative Council, as at present constituted, does not bother itself about anything except the ready acceptance of separation on the basis of the Prime Minister's statement.

Sir, I want this House to be clear, and I will endeavour my best to make it clear, that the issue now before Burma is not separation or federation. That was the issue last year, but not this year. The present issue for the decision of the Burmese people is separation on the basis of the statement of the Prime Minister, and that, I do say on the floor of this House, has been strongly and persistently opposed by the majority of the Burmese people. (*An Honourable Member*: "Have a Burmese Congress.") We have not yet formed a Burmese Congress, but the time will come when we shall have to form one. We have already had Ordinances and repressive measures which generally pave the way to some kind of solution of a nation's problems.

My Honourable friend Mr. Tait was pleased to refer to what he termed a definite anti-Indian feeling and he also referred to the riots of May 1930. But I will ask the House not only to inquire, but also to consider, what was the origin of those riots. The Indian labourers went on strike and a European stevedoring firm tried to break the strike by using, as its instruments, the Burmese labourers. That was the cause of the riots. That definite anti-Indian feeling, which was certainly definite during the riots in Rangoon, did last for two days, but it no longer exists.

Our position in Burma—by our position I mean the position of those who have been persistently opposing separation—is stronger today, vastly stronger today than it was last year. Last year all that we could say was on surmise—that, if we separated, these things might happen, and if we did not separate, other things might happen. But now we have tangible evidence—Exhibit A, if you will pardon legal phraseology, for the prosecution—if we separate, we are to get a constitution within the four corners of the Premier's statement; and that is certainly a thing which even the people who were clamouring for separation do not like. The constitution that is now being offered is a travesty of a constitution and is entirely unacceptable.

An Honourable Member: What about the Indian constitution?

U Kyaw Myint: That is the concern of the Indians. We are worried about Burma at the present moment. Everybody in Burma is agreed that the constitution offered in conjunction with separation is unacceptable, but the people who are willing to accept separation think that this constitution might lead to something better. We, that is, we who oppose separation, do not think in the same manner. That is the difference. But I must remind the House that the issue now before the Burmese people is this: we are called upon to separate from India on the basis of the constitution

offered in the Premier's statement, and we do not want to accept that constitution. The cause of the fears of my Honourable friend Mr. Munshi is that we do not want our judgment to be clogged, and we do not want to be coerced by any threat. By threat I mean the one that Sir Charles Innes uttered in the course of his speech in the Burma Legislative Council, the threat that, if we are to enter the Federation, we shall have to remain there for ever.

An Honourable Member: Disregard the threat.

U Kyaw Myint: Yes, I think that advice is very sound advice, which will be adopted in due course. One other threat, which is a favourite threat, is that of racial extermination. But we have learnt to disregard that threat, because racial purity, if we may accept the statements of scientists, is a myth.

The statement of my Honourable friend Mr. Tait that Europeans have never taken sides has been met by other Honourable Members. Mr. Tait fears that if Burma now enters the Federation and goes out later on, she might upset all the arrangements. But my Honourable friend, the Leader of the Nationalist Party, has pointed out that this proposed Indian Federation is a Federation that is unique in the world's history. The Federation, as my Honourable friend Sir Hari Singh Gour pointed out, consists of several kinds of units. All that Burma asks for is freedom of choice without any threats being uttered at this stage. She asks that she may be treated as a peculiar kind of unit, if such terms can be meted out to her. The Indian National Congress has given Burma the right to secede from the Federation without disclosing any reason. Even if such a concession should be granted to Burma by the Indian Federation, I can assure my Honourable friends that we shall not exercise the right to secede without pondering over the consequences, and in our deliberations we shall have the assistance of our Indian brethren. No unit can afford to leave any kind of Federation without assigning any reason. That, Sir, is the Burmese attitude. Burma wants to be bound to the other units of the Indian Federation by a silken cord and not by heavy chains. (Applause.)

An Honourable Member: I move that the question be now put.

Mr. President: The question is that the question be now put.

The motion was adopted.

The Honourable Sir George Rainy: Sir, the speech to which I listened with the greatest interest today was the speech of the Leader of the Nationalist Party, and for this reason, that it became evident early in his speech that his zeal for social reform carried him so far that even to contemplate a political alliance without the possibility of a divorce was almost more than he could bear. I had hoped that perhaps he would have developed that aspect of the subject, but he passed from it very early and I was a little disappointed. Now, Sir, my Honourable friend Mr. Munshi in his opening speech put his case somewhat ingenuously. He read to us the statement of the Prime Minister—"In this connection it should be remembered that if an Indian Federation is established, it cannot be on the basis that Members can leave it as and when they choose". Then, he went on to say that the interpretation he would ask

[Sir George Rainy.]

the House to place on those words was that Burma was to be free to leave the Federation if and when she wished to do so. I think that is an ingenuous way of putting it, for it is very difficult to put that construction upon the words, and I do not think any subsequent speaker has supported that particular line of argument. My Honourable friend Mr. Mody, for example, made it quite plain as soon he rose, that he, at any rate, realised that when a Federation was once formed, it could not be broken up without some kind of mutual consent of the component parts. The last speaker, also, made a quite clear that he too fully appreciated that point. But what I think the Honourable the Mover, Mr. Munshi, laid most stress on was this, that he saw some difference or distinction between what was said by the Prime Minister and what was said by His Excellency Sir Charles Innes, and he advanced the view that a strained interpretation had been put upon the Prime Minister's words by the latter, and that something like a threat was being held over the heads of the people of Burma. On that point, I cannot for one moment agree. I have read with the utmost care every word of the speeches of His Excellency Sir Charles Innes delivered on these subjects and I can find nothing in them that departs from what clearly and obviously underlay the words of the Prime Minister. The speeches are not the speeches of an advocate; they are the speeches of a judge summing up a case for the jury, and putting before them to the best of his ability all relevant considerations.

Now, Sir, a great deal has been said on the question, whether it is fair to impose upon any country a condition that once she enters a union or federation it must be for all eternity, with no possibility of withdrawal. I am not aware that anybody has said that yet and therefore it is a somewhat hypothetical question. But at least this much may be said that when federations are formed, the teaching of history shows that either they tend very rapidly to break up or that if they once consolidate, the business of secession or separation is a very formidable one indeed. I do not think the example chosen by my Honourable friend Mr. Mody was an altogether happy one if we remember the years of misery and horror that preceded the separation by mutual consent between the Free State of Ireland and the United Kingdom. And when I recall the fact that a number of the States who were original members of the American Union believed that the right of secession was guaranteed to them under the constitution, and when I recall the civil war to which that belief led, it is obvious that there are very serious considerations to be taken into account. And I was a little surprised when I detected, as I thought I did, in some of the speeches on the other side a tendency to speak somewhat light-heartedly on the question of what secession from a federation might mean. It is not a thing to be lightly undertaken and I should look forward with the very gravest apprehension to the future of any Indian Federation, if it appeared that the members were joining under any impression that a decision once taken could be recalled except for overwhelmingly strong reasons, or that it would be possible to arrange for a separation except after very full discussion in which every member of the Federation would be interested. Now, Sir, the way I should be inclined to put it is this: it is one thing to go into a federation on the basis that, if after a full trial the conditions are found to be absolutely intolerable then perhaps by mutual consent separation may be possible. That is one thing; and it is

quite a different thing to enter the federation with the underlying thought that after all it will be quite easy to leave it as soon as it suits us. I think any sort of action of that kind—entrance into the Federation with the feeling that it does not mean very much, and that it will be possible to get away without much difficulty, would be very dangerous to the future of the Federation itself and would be quite unworthy of any self-respecting country. I do not believe that the electors of Burma will proceed on that basis. As I have already said, I can find nothing in the speeches of His Excellency Sir Charles Innes which departs from what was said by the Prime Minister or puts anything but a fair interpretation on his words. Nor can I find in the speeches any semblance of a threat or anything more than a definite desire to state clearly for the guidance of the electors before they came to a decision what the issues were and how serious they were.

Sir Abdur Rahim: Sir, may I ask a question? Is what the Prime Minister has said to be interpreted as a condition as regards the choice that is given to the electors of Burma?

Sir Hari Singh Gour: The question I should like to ask is this. Is that condition general to all federating units or special to Burma?

The Honourable Sir George Rainy: It is not for me to give an authoritative interpretation of the Prime Minister's words, but to speak of laying down conditions, does not seem to me the natural language to use about this point.

Mr. Jehangir K. Munshi: Sir, before I proceed to reply, may I have one inquiry answered more definitely by the Honourable the Leader of the House? Are the Government of India anxious that Burma should have a free choice and unfettered election over this issue or not?

The Honourable Sir George Rainy: His Majesty's Government have made their desire perfectly plain, and what I have said in reply to the Honourable the Mover is that I can find nothing in His Excellency Sir Charles Innes' speeches which would interfere with a free choice.

Mr. Jehangir K. Munshi: I am obliged to the Honourable the Leader of the House for making the position of the Government of India clear. I hope now Burma will take it clearly from the Government of India, that so far as the Government of India are concerned, they are most anxious that Burma should have a free and unfettered choice at the ensuing election in October or November. We have this further message which the Leader of the House now gives to Burma on behalf of the Government of India, that the Government of India will not be a party to any action anywhere in Burma which would in any way unfairly or improperly fetter that free choice.

The Honourable Sir George Rainy: Why does the Honourable Member assume that there is any authority in Burma that is going to take unfair action?

Mr. Jehangir K. Munshi: I did not use the word "authority". All that I said was that we felt justified in giving a message to the people of Burma from the Government of India that so far as they are concerned they will see that nothing will be done in Burma

The Honourable Sir George Rainy: Sir, I must object to the Honourable Member putting words in the mouth of the Government of India. We are ready to be judged by what is said from these Benches but not by what the Honourable Member chooses to say from his Bench.

Mr. Jehangir K. Munshi: Sir, I am puzzled by this last utterance of the Leader of the House. Is it the position of the Government of India that they would approve of Burma's choice being fettered in any way?

The Honourable Sir George Rainy: I have nothing to add to what I have already said.

Mr. Jehangir K. Munshi: In view of the fact that no answer is forthcoming to this question, my interpretation is the correct one, that the Government of India are a fair-minded Government and that they will not be a party to any improper fettering of Burma's free choice.

As regards the interpretation placed by my Honourable friend, Sir George Rainy, on the passage appearing in His Excellency Sir Charles Innes' address, if that is the correct interpretation, then Burma should have no grievance, and I for one would like very much to accept that interpretation. But whether Sir George Rainy's interpretation is the correct one or the interpretation of myself and my Honourable friend, U Kyaw Myint, is the correct one, Burma has now got this much to congratulate herself upon, that the Government of India have so far seen nothing either in the Prime Minister's announcement or in the Governor of Burma's address to the Council, to justify Burma in thinking that any restriction is imposed on her or that her choice is fettered in any way. So to that extent my object is served.

Now, Sir, I have tried to make it clear,—I am sorry I have not succeeded so far as my Honourable friend Sir George Rainy is concerned—that my object is not to censure the Government of India. My only object is to have it made clear that Burma should have a free and unfettered choice at the election. On this point the Government of India are in complete agreement with me; on this point every section of the House and every speaker, except my Honourable friend, Mr. Tait, has been in agreement with me. So all that remains for me to do—it is getting very late—is to deal briefly with my Honourable friend, Mr. Tait.

I think it was most unfortunate that Mr. Tait should have advanced as an argument against my motion the fact that there was a riot in Rangoon about two years ago, and that in the course of the riot, which lasted for two or three days, anti-Indian feeling was displayed. My friend, U Kyaw Myint, has dealt with it. Nobody can deny that there was anti-Indian feeling in Rangoon during those two or three days. But what object has Mr. Tait served by raking up this unpleasant incident? Is Mr. Tait trying to suggest that the feeling of Burmans is only anti-Indian and not anti-British? I would rather not have referred to this at all, but Mr. Tait has forced my hand. Mr. Tait is shaking his head as a protest against my remark. I wonder if my Honourable friend Mr. Tait believes that the rebellion which lasted in Burma for more than eight months, a rebellion directed to overthrow the British Government, was a game—a little harmless game played between Burmans and their brother Britons. (Laughter and Cheers.) Since we have been referred to anti-Indian feeling, I hope Mr. Tait will remember that the volume of feeling in Burma

against the British element is more intense than the feeling against Indians now or at any time before; and in proof of that I am not merely pointing to a riot which started between two sets of labourers and continued for two or three days, but to a rebellion which lasted for about a year and cost the Government of India 27 lakhs of rupees—a rebellion directed against the British Crown and against the British race. I would not have brought this in, but my Honourable friend Mr. Tait has forced me to do so.

With regard to Mr. Tait's claim that the European community in Burma has not taken any side or any part in the separation controversy, I have been amazed at this claim. There are two British owned and British edited journals in Burma, which in season and out of season for the past three years have been attacking the Government of India, not because they want to attack the Government of India as such, but because they want to show to the people of Burma that unless they remove themselves from the control and domination of the Government of India, they can expect no justice or fair treatment from the Government of India

Mr. John Tait: May I remind the Honourable gentleman that what I said referred, as I specifically said, to the British mercantile community of Burma, not to the Press?

Mr. Jehangir K. Munshi: May I inquire if the proprietors of the *Rangoon Times* and the *Rangoon Gazette* are not members of the Burma Chamber of Commerce?

Mr. John Tait: I submit that that has nothing to do with the question.

Mr. Jehangir K. Munshi: Is it denied that they belong to the European mercantile community? The European mercantile community in Burma consists mainly of the Burma Chamber of Commerce, of which, so far as I am aware, the proprietors of these two papers are either members or eligible to be members; and Mr. Tait has not contradicted that. And is there a further implication underlying Mr. Tait's remark that the European community in Burma has not taken part in this controversy, an implication that the Indian community has? Is that Mr. Tait's implication?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Please go on with your observations.

Mr. Jehangir K. Munshi: Very well, Sir. So far as my object is concerned, it has been served by every section of the House endorsing the view that no threat should be held out to Burma, and that Burma should have an unfettered choice; and in particular I wish to express my keen appreciation of the attitude taken up by my Honourable friend, Mr. Arthur Moore; I have no hesitation in assuring my Honourable friend Mr. Arthur Moore that the attitude which he has taken up to-day on behalf of the European Group in this House will go a long way to assuage public feeling in Burma which cannot possibly be pleased with the attitude taken up by Mr. Tait. Under the circumstances, my object having been served, I do not wish to pursue the matter further, more particularly so as I have not the slightest desire to censure the Government of India. I therefore ask for leave to withdraw the motion. (Applause.)

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

Improper Interference by the Secretary of State in the Financial Affairs of India.

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadan Rural): Sir, I beg to move:

"That the Demand under the head 'Executive Council' be reduced by Rs. 100."

The other day, my friend Mr. Munshi gave us a tall story about two ping pong balls to be given to the Bengal detenus. I think if my Honourable friend had drawn a little further on his imagination he would have been able to tell us something about the battle royal which was waged between the Finance Member of the Government of India and the Finance Minister of the Government of Bengal and the Finance Minister of the Government of Burma, and the final decision on that contest of the Secretary of State for India. He would have told us that after my friend Mr. Arthur Moore had decided as to what exactly was the price of the two ping pong balls the question as required by the orders and instructions of the Secretary of State, arose as to who should pay the price of those balls: the Government of India or the Government of Bengal or the Government of Burma; and the whole question as required by the orders and instructions of the Secretary of State was referred to the Secretary of State for India and he said, "Well, the Finance Member of the Government of India has been treating me with little courtesy, and this time I shall decide against him and it is the central Government who are to pay the price of the ping pong balls". It is possible that I have rather overdrawn the picture of the absurd meticulousness with which the Secretary of State interferes in matters purely Indian. But that he does do so will be readily apparent if I refer you to the report of the Acworth Committee and read to you a few instances of the absurdly meticulous interference of the Secretary of State for India in matters purely Indian. On page 43 of the report in paragraph 126, the Acworth Committee say as follows:

"We have had an opportunity of perusing the despatches and the cable messages on railway subjects exchanged between the India Office and the Government of India in January 1920. They are numerous. They are voluminous and not a few of them are concerned with quite petty details. We have found for instance despatches addressed by the Secretary of State to the Viceroy in full official form dealing with matters such as the following:

'Despatch No. 7 of 1920, sanctioning gratuity to a travelling inspector of accounts of an amount proposed in the Government of India, Finance Department Despatch No. 446 of 6th November 1919.

Despatch No. 14 of 1920: reporting re-engagement of an engine driver as result of correspondence ending with a cablegram from the Government of India.

Despatch No. 2 of 1921: Sanctioning payment of a pension of Rs. 100 per month (say 80£ per annum) to the widow of an engine driver killed in an accident'."

These are some of the instances of the absurd meticulousness of the interference of the Secretary of State for India in petty matters. Last session we found to our very painful surprise the interference of the Secretary of State in matters purely Indian, of supreme importance to the interests of India. I refer, Sir, to the interference of the Secretary of State for India in regard to the financial and currency position of India when England went off the gold standard. Sir, the pronouncement of Mr. Montagu and the other British politicians with regard to the constitutional future of India were no doubt very large and very liberal, but what does the Government of India Act disclose? If you refer to that Act, you find that section 124 of

that Act gives a despotic power to the Secretary of State for India, in fact it provides that anybody no matter who he is, whether he be the Governor General or any other person holding office under the Crown in India who does not carry out the instructions of the Secretary of State for India commits a misdemeanour punishable with fine, the amount of which is left indefinite and punishable by a term of imprisonment which may extend from 10 months to 10 years or to an indefinite period. That is the position of the Government of India *vis-à-vis* the Secretary of State for India. The object of my motion is, therefore, to bring this peculiar position of our Government to the notice of the British Cabinet so that the recommendation made by the Joint Select Committee may be given effect to in time. Sir, I do not propose to enter at any great length into the constitutional questions, because the time at my disposal is very limited. However, I would just like to read the statement of India's case as regards the relations of India *vis-à-vis* the Secretary of State for India at page 11 of the Joint Select Committee's Report. I read those remarks, because I have come to feel that those remarks have been greatly misunderstood till now. This is what is stated there:

"The Committee have given their 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 the relations may wisely be modified to meet fresh circumstances caused by the creation of a Legislative Assembly with an elected majority."

I pause here to point out that the conventions here recommended are not confined to mere fiscal conventions. They embrace all relations of the Secretary of State with the Government of India, and the generality and the extent of this recommendation is emphasised by the Select Committee by mentioning the special case of what is now known as the fiscal autonomy convention. They say:

"This examination of the general proposition"—mark the word "general"—"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 present moment there can be no doubt. There ought to be no room for it in the future is equally clear."

By these words the Joint Select Committee emphasised the generality of their recommendation as regards the creation of conventions in all relations between the Secretary of State and the Government of India, and I say the attempt to restrict these words to the creation of one solitary convention about the fiscal autonomy of India, I think, is not supported by these words in the Select Committee's Report. Sir, the existence of far-reaching control of the Secretary of State for India on the finances of India is a defect which very much detracts from the value of the reforms granted by the Act of 1919, because it is well known that a national Government which has no control over the national purse will be a national Government in name only. Now, what then is the remedy, it may be asked? How can you remove that defect from the financial system of India? The answer has been given by the Select Committee themselves and also by your illustrious predecessor the Honourable Mr. Vithalbhai Patel. The remarks are reproduced in this book, "Decisions from the Chair". At page 310, long extracts are given of the debate

[Mr. N. N. Anklesaria.]

which took place in connection with the fiscal autonomy convention, and towards the end Mr. Patel says:

"I agree that real fiscal autonomy is possible even under the existing constitution", that is at page 318:

"If the decision on fiscal measures is left to the vote of the non-official Members and such decision is regarded as binding on the Executive: but this can be done by a convention and not by a ruling of the Chair."

I trust, Sir, that if the present motion evokes any sympathetic response from the Government of India, we may all see our way to help in establishing such a convention as mentioned by Mr. Patel. But the matter does not and cannot lie with the Government of India alone, by themselves they can do nothing. It is the Secretary of State whose help is primarily required in establishing the conventions.

Sir, it may be said that the Round Table Conference is sitting and that they would be able to settle this question once for all. In spite of the certificate which my Honourable friend Sir Henry Gidney gave to the delegates of the Round Table Conference, I do with great respect to my friends here venture to say that, so far as the Indian delegates are concerned, they have been bungling the affairs of India all through in the Conference. My Honourable friend Dr. DeSouza talked of two monsters—the Minorities Pact and the Federation idea. I think my Honourable friend was a bit unjust to the Round Table wallahs with regard to the first monster. Sir Henry Gidney has authorised me to tell this House that he is the real father of that monstrosity and not the other delegates of the Round Table Conference. (Laughter.)

Mr. H. P. Mody: What can you expect from such a parentage?

Mr. N. N. Anklesaria: My Honourable friend Dr. DeSouza forgot to mention the very long list of monstrosities which are called "safeguards" in the proposals of the Round Table Conference. Sir, if time permitted, I would have dilated on that topic, but it is enough for me to say that the bantering tone assumed by my Honourable friend, Sir Cowasji Jehangir, while criticising my esteemed friend Sir Hari Singh Gour's arguments, was absolutely misplaced as he would find if he would only read the debates of the Round Table Conference with impartiality and judgment.

I shall conclude my remarks with recounting to the House what was said during the French revolutionary period by a leader of the popular representatives in the National Assembly of France. In 1788 the rights and privileges of the popular representatives in the National Assembly having been invaded and trampled upon by the Nobility, one of the leaders of the popular representatives wrote a pamphlet in which he proposed three questions and answered them himself. He asked, "What is the third estate, composed of the popular representatives?" (corresponding to this Honourable House). The answer was, "The third estate is everything". The second question he asked was, "How has the third estate been treated up till now?" The answer was, "As nothing". The third question was, "What does the third estate ask for?" The answer was, "To be something". I would ask the Government of India and the Secretary of State these questions as regards this House. I ask, what is this Assembly?

This Assembly is everything. This Assembly is the parliament of India. (Ironical laughter from the Opposition Benches.) How has this Assembly been treated up till now? As absolutely nothing. How does it want now to be treated? As something. If these remarks have any effect on the Secretary of State and if he condescends to help in the establishment of the conventions recommended by the Joint Select Committee, I think my words in the present debate will not have been wasted.

Mr. B. Sitaramaraju: I rise to support the motion moved by my Honourable friend Mr. Anklesaria. In doing so, I do not propose to say more than a few words at this late hour. The Secretary of State is the great Moghul at Whitehall. He has in the Government of India here his imperial *harem*. What passes behind the *purdah* we do not know, but all that we do know is this, that the Secretary of State is an autocrat of autocrats, and the *begums* here have not got any more control than any *begum* ever had in an imperial *harem*. As an instance in point, we had here a few months ago the linking of the rupee with sterling. Honourable Members are fully aware that the first impulse of the Honourable the Finance Member on that occasion was to stand by the best interests of this country and do what was right for the occasion. But soon came the imperial *firman* which set at nought the action of the Finance Member and we were asked to take a different course altogether. On that occasion the House by a large majority passed a Resolution condemning that action of the Secretary of State. Notwithstanding the unanimous voice of the elected representatives of the people in this House, notwithstanding the experience of the Finance Member, the great Moghul issued his *firman* and we had to obey. It is absurd that in the 20th century there could be a person of the position of a Secretary of State with power only equal to or next to that of the Czar of all Russia, who could override the best advice of his Ministers who are in daily touch with the administration of the country. Except on one occasion, there was no other occasion when a Secretary of State for India has ever visited these shores. Sir, his knowledge of this country would ordinarily be, that this is a land of hot sun, big snakes and troublesome natives. Beyond that, whether he has any other knowledge it is very difficult to say, except that which he gathers from the official despatches of the Government of India if he finds time from his Home politics to read them, and also that which he gathers from his Council of retired civilians, who are always anxious to maintain their own privileges and fight against every attempt of the people of this country, as they consider that all attempts at establishing responsible government in this country would be an invasion of their cherished privileges—accept the advice which such Ministers give him. With that advice and that knowledge, that gentleman, sitting 6,000 miles away, dictates to us as to what is to be done and what is not to be done without our say in the matter. Therefore, I say that his power of superintendence, direction and control, by which he expects obedience to his orders by the Government of India, is in this age absurd and should not be allowed by any civilised community to continue without relaxation. It is a negation of that promise which was held out in the declaration of 1917—a gradual relaxation of the control of the Secretary of State and a gradual admittance of the people of this country to a share in the administration. I fully sympathise with the Honourable the Finance Member in these matters, because he has to come before this House and face the representatives of the people here and he has to satisfy them, but all the time he knows

[Mr. B. Sitaramaraju.]

full well that he has got to carry out the orders of somebody else and not his own. Our wishes in this House count for nothing.

The Honourable Sir George Schuster (Finance Member): Sir, I refrained from raising a point of order on this particular motion because I knew and appreciated the basis on which these debates had been arranged. But I think, Sir, it is little hard that any one in this Assembly should suggest that the Executive Council should sacrifice Rs. 100 from their very exiguous travelling allowance, on the ostensible ground of improper interference with its activities by an authority which, as my Honourable and learned friend the Mover has reminded us, has powers to subject the members of that Council to penalties which may extend to an unlimited fine and even unlimited imprisonment. I take it however that you, Sir, have satisfied yourself on this point and that it is in order that on the vote of the Executive Council a question of this kind should be raised.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): If the Honourable Member had raised a point of order, the Chair would have dealt with it. If the Honourable Member so wishes, he can raise it even now.

The Honourable Sir George Schuster: I must proceed on the assumption that I am too late. I think the House will hardly expect from me any attempt to deal seriously with this motion at this late hour. If I might sum up my feelings about its subject, leaving aside the graver issues which underlie it, I would say that my Honourable friend has been perhaps rather unfortunate in the time at which he has raised it. In the first place, he started by quoting examples of what he regards as improper interference, examples from a report written on conditions which prevailed in the year 1920. I may inform my Honourable friend that the practice he referred to in the Acworth Committee's report has since been entirely changed, and that a very large measure of discretion in dealing with matters of that kind has been accorded to the authorities in India, so that his remarks based on those particular examples hardly apply to the conditions which exist to-day. That, Sir, is as regards the past; but if we look at the matter the other way round, I think it is perhaps hardly appropriate that a motion of this kind, complaining of the conditions which exist under the present constitution, should be brought forward just on the eve of constitutional changes to which we are all looking forward in the near future. I suggest to my Honourable friend that his scepticism about the possible results of the Round Table Conference, and of the other machinery by which the new constitution is now being planned and discussed, that scepticism is hardly justified. Indeed I can hardly imagine a more unfortunate moment to have raised this question than at half past four of the clock on a very hot day in Delhi in the year 1932, when we are all looking forward to great changes in the present constitutional state of affairs to be introduced in 1933.

I have only one more subject on which I must touch because reference has been made to my personal actions in connection with certain incidents. It is surprising to me that Honourable Members in this House should state with absolute assurance that they are fully aware of what are the hidden motives which operate within my own heart, or what have been my intentions, secret and never disclosed, but apparently very well known to

all Honourable Members of this House with one single exception and that is myself. Honourable Members have persistently, if I may say so, misinterpreted the action which the Government of India took on the 21st September of last year, and as the incident has been referred to, I must take this opportunity of contradicting that interpretation and refuting all the arguments which are based upon it.

That, Sir, is I think all I need say upon that particular subject. I venture to put it to my Honourable friend that in the existing very difficult situation we are carrying on in co-operation with a certain amount of mutual satisfaction, and that even in the current session we have had before us very important practical examples of the result of that co-operation. So that when my Honourable friend the Mover puts forward a very eloquent appeal that this Assembly should be treated as "something", I think we can truthfully say that both in our actions and in our intentions we respond to that appeal.

Mr. N. N. Anklesaria: In view of what has fallen from the Honourable the Finance Member, I beg leave to withdraw my motion.

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

The Assembly then adjourned till Eleven of the Clock on Friday, the 18th March, 1932.

LEGISLATIVE ASSEMBLY. 30

Friday, 18th March, 1933.

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

QUESTIONS AND ANSWERS.

APPOINTMENT OF INDIANS TO CERTAIN POSTS ON THE NORTH WESTERN RAILWAY.

833. *Mr. S. C. Mitra: (a) Is it a fact that, as a general rule, prior to April, 1923, only Europeans, Anglo-Indians, Christians and Parsis were recruited in the senior subordinate and junior subordinate service of the Mechanical Branch of the North Western Railway for the posts of Foreman Boiler Maker, Foreman Erector, Foreman Blacksmith, Fitter Chargeman, Boiler Maker Chargeman, Locomotive Foreman, Locomotive Inspectors, Locomotive Drivers, Shunters in grade III and IV and Shedman in grade III and IV?

(b) Is it a fact that Indian apprentices in various categories mentioned in part (a) were recruited during 1923 to 1930, with a view to Indianise these posts?

(c) How many Indians were recruited during each year and in what category between 1923 to 1930 and appointed to various posts?

(d) Is it a fact that apprentices so appointed are not put on their proper posts although they stand qualified?

(e) Is it a fact that from the apprentices so appointed many have been discharged?

(f) What is the Railway at present doing to Indianise the posts stated in part (a) above?

(g) What is the total number of Europeans in the service mentioned in part (a) above as against the total number of Indians?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to questions Nos. 833 to 836 together. I have called for certain information and shall lay on the table a reply in due course.

APPOINTMENT OF INDIANS TO CERTAIN POSTS ON THE NORTH WESTERN RAILWAY.

†834. *Mr. S. C. Mitra: (a) Will the Government be pleased to state the total number of drivers, shunters, firemen and boy-firemen in grade III and IV respectively and also totals under (i) Europeans, (ii) Anglo-Indians, (iii) Indian Christians and (iv) Miscellaneous, on 31st March, 1923, employed on the North Western Railway?

† For answer to this question, see answer to question No. 833.

(b) Is it a fact that before April, 1923, grade III was given to Parsis and grade IV to Europeans, Christians and Anglo-Indians on the North Western Railway?

(c) Is it a fact that from April, 1923, both grades III and IV were opened to Indians?

(d) How many Indians were recruited as boy-firemen or firemen in grade III and IV during the period 1923 to 1930?

(e) Was the purpose of the recruitment mentioned in part (d) to Indianise the posts of shunters and drivers mentioned in part (a) above?

(f) How many Europeans, Anglo-Indians and Parsis were recruited in grade III and IV respectively during the years 1923 to 1930 as boy-firemen, firemen, shunters and drivers, and how many Europeans, Anglo-Indians Parsis, Christians were promoted from firemen in grade III and IV to shunters and drivers during the period 1923-1930?

(g) From the Indians referred to in part (d) how many, recruited as firemen or boy-firemen during the years 1923 to 1926, have been promoted as shunters and how many as drivers?

(h) Is there any period fixed for automatic promotion to shunters and drivers for firemen of grade III and IV like apprentice for Permanent-Way Inspectors, Train Examiners, etc.?

(i) What is the total number of drivers, shunters, firemen, and boy-firemen in grade III and IV, respectively, on 31st December, 1930?

(j) Is it a fact that there is a larger number of drivers and shunters in grade IV and the firemen in grade IV, whose number is smaller, stand better chance of promotion, while the number of shunters and drivers in grade III being smaller and the number of firemen in grade III being greater they stand lesser chance of promotion? Is the Railway prepared to remove the grievance? If so, how?

PROMOTION OF FIREMEN, ETC., ON THE NORTH WESTERN RAILWAY.

†835. *Mr. S. C. Mitra: (a) Is it a fact that Indians who were recruited in 1923 to 1926 as firemen or boy-firemen grade III on the North Western Railway and who are qualified for promotion to shunters and drivers are not being promoted?

(b) If the facts stated in part (a) above are correct, will Government be pleased to state the reasons for the same?

(c) Is it a fact that the block in the promotion of firemen of grade III to shunters and drivers is due to promotion of firemen of grade IV against vacancies of grade III and also due to recruitment of drivers grade IV from outside?

(d) If the answer to part (c) be in the negative, will Government please give the number of vacancies reserved for firemen of grade III and IV, respectively, since 1923 and how they were disposed of?

PROMOTION OF FIREMEN, ETC., ON THE NORTH WESTERN RAILWAY.

†836. *Mr. S. C. Mitra: (a) Are Government prepared to fix a definite period of training for firemen of grade III for automatic promotion to shunters and drivers on the North Western Railway?

† For answer to this question, see answer to question No. 833.

(b) Is it a fact that many firemen-passed shunters of grade I got promotion to shunter both permanent and officiating, but the firemen-passed shunter of grade III were not allowed to take that chance although they were far superior by virtue of their education as well as grade?

(c) If the answer to part (b) above is in the affirmative, what preference the grade III firemen have over grade I or II firemen?

(d) What steps are Government taking to Indianise the posts of drivers grade IV and III which are at present held by Europeans?

(e) What facilities are being provided to firemen of grade III to enable them to pass drivers examination?

(f) If any Indians have replaced Europeans will Government please give their number as against the total number of Europeans employed as drivers in grade III and IV also stating whether Indians, if any, were taken from firemen of grade III recruited during 1923-1926?

(g) Are Government prepared to consider the case of promotion of firemen of grade III who have got seven years' training and above?

ALLOTMENT OF GOVERNMENT QUARTERS IN NEW DELHI.

837. *Mr. S. C. Mitra: Will Government be pleased to refer to the replies to unstarred questions Nos. 52 and 56, dated 13th February, 1932 and state whether Government have considered the question of appointing a committee of six men from different Departments of the Government of India selected by the ministerial staff of the Secretariat and Attached Offices for the purpose of making all necessary enquiries into the matter? If not, why not?

The Honourable Sir Joseph Blore: Government do not consider that investigation by a Committee would be a suitable method of procedure but would be prepared to institute enquiry into any definite complaints received.

MINISTERIAL AND INFERIOR STAFF QUARTERS IN NEW DELHI.

838. *Mr. S. C. Mitra: (a) Will Government be pleased to refer to the reply to unstarred question No. 55, dated 13th February, 1932 and state the reasons why, in the absence of any existing rules or orders, the New Delhi ministerial and inferior staff quarters are occupied by the local Public Works Department and other offices?

(b) Is it a fact that these quarters were actually constructed for the ministerial staff in the Secretariat and Attached Offices?

The Honourable Sir Joseph Blore: (a) and (b). Under the existing rules and orders the quarters in New Delhi are intended primarily for the use of establishments in the employ of the Secretariats of the Government of India and in all attached or subordinate offices, including the Local Administration, who are compelled to reside on duty with the Government of India in New Delhi. The local Public Works Department and other offices occupy the quarters under those rules and orders, but there are no rules or orders under which the offices referred to are given preference over the ministerial staff of the Secretariat and attached offices.

**MAINTENANCE OF PARKS AND FOUNTAINS ADJACENT TO THE IMPERIAL
SECRETARIAT BUILDINGS.**

839. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state reasons why the parks and fountains adjacent to the Imperial Secretariat Buildings in New Delhi are maintained during winter months and not during summer?

(b) What objection have Government to issue necessary orders for the maintenance, from the ensuing summer, of the parks and fountains referred to above?

The Honourable Sir Joseph Bhore: (a) and (b). The parks referred to are maintained throughout the year. The fountains are not used except during the cold weather on account of the cost involved in working them.

PROMOTION OF EX-WAR SERVICE RAILWAYMEN.

840. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Maulvi Badi-uz-Zaman): (a) Will Government kindly state whether it is a fact that the Railway Administration were asked by the Railway Board to consider the question of preference for promotion for such members of their staff as were lent by them for service overseas during the Great War?

(b) If the reply be in the affirmative, will Government be good enough to place a copy of their letter on the table or state on what grounds a preferential promotion was to be given?

(c) Will Government please also state the names and designations of the men who were given such promotions on the East Indian and North Western Railways?

Mr. P. R. Rau: I would refer the Honourable Member to the reply given to unstarred question No. 111 asked by Khan Bahadur Haji Wajihuddin on the 29th February, 1932, which was in practically identical terms.

**EXTENSIONS OF SERVICE GRANTED IN THE PUNJAB AND NORTH-WEST
FRONTIER POSTAL CIRCLES.**

841. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Mr. Muhammad Muazzam Sahib Bahadur): (a) Will Government be pleased to state whether it is a fact that the Director General, Posts and Telegraphs, circulated the Government of India's instructions regarding retrenchment and retirement of officials?

(b) If so, will Government kindly state why extension of service is still being given in the Punjab and North-West Frontier Circle, and especially at Delhi?

(c) Do Government propose to order stoppage of extensions to safeguard the interests of approved candidates on the waiting list?

The Honourable Sir Joseph Bhore: (a) Yes.

(b) The instructions referred to in part (a) of the question by the Honourable Member do not contemplate the entire suspension of the ordinary rules regarding the retention of Government servants in service.

(c) No.

**SELECTION POSTS CONVERTED INTO TIME-SCALE APPOINTMENTS IN THE
PUNJAB AND NORTH-WEST FRONTIER POSTAL CIRCLE.**

842. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Mr. Muhammad Muazzam Sahib Bahadur): (a) Will Government kindly state the number of lower selection grade posts in the Post Offices in the Punjab and North-West Frontier Circle converted into time-scale as a retrenchment measure?

(b) Will Government kindly state the number of such posts converted into time-scale in the Office of the Postmaster-General, Punjab and North-West Frontier Circle?

Mr. T. Ryan: (a) The Honourable Member presumably refers to the scheme for replacing officials in the lower selection grade of Rs. 160—10—250 in certain post offices by supervisors in the ordinary clerical time-scale of pay. The number so far replaced in the Punjab and North-West Frontier Circle is 11.

(b) The scheme just mentioned does not apply to the office of the Postmaster-General, where the organisation and condition of work are quite different from those prevailing in Post Offices.

APPOINTMENTS OF TICKET COLLECTORS.

843. ***Khan Bahadur Haji Wajihuddin:** Will Government be pleased to state if the instructions of the Railway Board contained in their letter No. 683-E. G., dated 3rd March, 1931, have been carried out in respect of the old Travelling Ticket Inspectors and Ticket Collectors when they were utilised in the Moody-Ward system?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to questions Nos. 843, 844, 845, 847, 848 and 850 together. I have called for certain information and shall lay a reply on the table in due course.

Lieut.-Colonel Sir Henry Gidney: Considering the fact that the "necessary particulars" have been in the hands of the Railway Board for a long time and also considering the fact that these Inspectors have already suffered much hardship, will the Honourable Member kindly inform this House of the reasons why he is not able to answer the question now.

Mr. P. R. Rau: Sir, the details required are in the office of the Agent, East Indian Railway.

Lieut.-Colonel Sir Henry Gidney: Sir, if the details have been for so long with the Agent, East Indian Railway, why, I ask, are they not, by now, in the hands of the Railway Board, considering such a long time has elapsed?

Mr. P. R. Rau: Sir, the Agent of the East Indian Railway is responsible for the detailed administration of the East Indian Railway.

Lieut.-Colonel Sir Henry Gidney: Is not the Railway Board responsible for the administration of the East Indian Railway?

Mr. P. R. Rau: I said "the detailed administration".

Lieut.-Colonel Sir Henry Gidney: Is not the Railway Board also responsible for the detailed or call it if you like the retailed or curtailed administration of the railway?

Dr. Ziauddin Ahmad: Sir, since this question has been before the Railway Board for the last five months, why have the Railway Board been unable to get the information during this long interval when they were expected to get the reply? It is not a new question, Sir: it has been before the Railway Board for five months.

Mr. P. R. Rau: As regards this question, we have had notice of it for only about ten days, I believe, Sir.

Lieut.-Colonel Sir Henry Gidney: Is it or is it not a fact that the Railway Board is shelving a final decision on this question of a substitute system for the much criticised and abolished Crew System?

Mr. P. R. Rau: It is not a fact.

Dr. Ziauddin Ahmad: Is it not a fact that the attention of the Honourable Member as Secretary of the Railway Retrenchment Committee was drawn to all these facts at the time, and should he not therefore have got the information by this time?

The Honourable Sir George Rainy: The Honourable Member is entirely in error in supposing that this question did not contain a number of new details not mentioned in the earlier questions.

APPEALS OF TRAVELLING TICKET INSPECTORS.

†844. ***Khan Bahadur Haji Wajihuddin:** (a) With reference to the reply to starred question No. 229 to 250, dated the 12th February, 1932, will Government be pleased to state the month in which the appeals were sent by the old Travelling Ticket Inspectors, to whom they were addressed and the cause of delay in considering those appeals by the Agent, East Indian Railway?

(b) Will Government please lay on the table a copy of the said appeal and a reply thereto given by the East Indian Railway authorities?

(c) Will Government be pleased to state if it is a fact that the old Travelling Ticket Inspectors sent a copy of the said appeal to the Secretary, Railway Board, direct; if so, what action was taken by Government on knowing the facts contained in the appeals?

(d) Will Government be pleased to state if the Railway employees have a right of appeal to the Agent of their Railway; if so, why the appeals of the old Travelling Ticket Inspectors of the East Indian Railway addressed to the Agent were disposed of by the Chief Operating Superintendent?

APPEALS OF TRAVELLING TICKET INSPECTORS.

†845. ***Khan Bahadur Haji Wajihuddin:** (a) With reference to the reply to the supplementary question by Dr. Ziauddin to question No. 251, dated the 12th February, 1932, will Government please lay on the table a copy of the said rules relating to appeals?

(b) Will Government be pleased to state also if the appeals addressed by the old Travelling Ticket Inspectors to the Secretary, Railway Board, came within the provisions of the said rules justifying their being withheld by the East Indian Railway authorities? If so, in what respects?

† For answer to this question, see answer to question No. 843.

RAILWAY TICKET CHECKING SYSTEMS.

846. ***Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state if it is a fact that Messrs. Moody and Ward, Officers of the Crew Enquiry Committee, were asked to suggest what preventive system should be adopted in case the Crew system was recommended by them to be abolished?

(b) If the reply to part (a) above be in the affirmative, will Government be pleased to state why this system has been adopted which is not a preventive system?

Mr. P. R. Rau: (a) Messrs. Moody and Ward were asked to submit proposals as to what system should be adopted to prevent persons travelling without tickets.

(b) Because it is considered to be the most suitable system at a reasonable cost.

RAILWAY TICKET CHECKING SYSTEMS.

†847. ***Khan Bahadur Haji Wajihuddin:** With reference to the answer to starred question No. 1120, dated the 2nd October, 1931, will Government be pleased to state why the Railway Board do not know if the Moody-Ward system sanctioned by them is a permanent or a temporary measure?

LADY TICKET COLLECTORS ON THE EAST INDIAN RAILWAY.

†848. ***Khan Bahadur Haji Wajihuddin:** (a) With reference to answer to starred question No. 240, dated 12th February, 1932, will Government be pleased to state why the lady Ticket Collectors are retained on the Railway when the Travelling Ticket Examiners are authorised to check the tickets of female passengers?

(b) Will Government be also pleased to state how much economy would be affected per year if they are abolished and what is the percentage of such stations on the East Indian Railway where lady Ticket Collectors are provided?

SYSTEMS OF RAILWAY TICKET CHECKING.

849. ***Khan Bahadur Haji Wajihuddin:** (a) With reference to the answer to supplementary question to starred question No. 389 by Sir Henry Gidney, dated the 16th February, 1932, will Government be pleased to state if up to 1922 identically the same systems of ticket checking prevailed on the North Western and the Oudh and Rohilkhand Railways (both under State-management) and that after amalgamation of the East Indian and Oudh and Rohilkhand Railways the same system was adopted on the entire East Indian Railway?

(b) Will Government be also pleased to state if it is also correct that the Crew system on the North Western Railway was adopted and abandoned, the same Crew system was afterwards started on the East Indian Railway and abandoned, that a system of two T. T. Es. followed the Crew system on the North Western Railway and that the same has followed the Crew system on the East Indian Railway now which is called Moody-Ward

† For answer to this question, see answer to question No. 843.

system? Is it also true that on the North Western Railway since June the Travelling Ticket Examiner system has been replaced by the S. T. E., i.e., Special Ticket Examiner system and on the East Indian Railway since the same month, i.e., June, 1931, the Travelling Ticket Inspector system has been replaced by the Travelling Ticket Examiner system?

(c) If reply to part (b) above be in the affirmative, will Government be pleased to state if the local conditions on both the said Railways during the prevalence of those identical systems were the same and now different to justify the Moody-Ward system on the East Indian Railway and not on the North Western Railway?

Mr. P. R. Rau: (a) The records of the Railway Board do not show what system of ticket checking was in force on the North Western, the old Oudh and Rohilkhand and East Indian Railways up to a period prior to the introduction of the crew system on the East Indian Railway.

(b) As regards the first part of the question, I would refer the Honourable Member to paragraph 6 of the Moody-Ward Committee's report which deals with the working of the crew system on a part of the Lahore District on which it had been introduced as an experimental measure in 1923. The position on the East Indian Railway is explained in the Moody-Ward Committee's report. As regards the second part of the question, in June 1931 the cadre of Travelling Ticket Examiners on the North Western Railway was abolished and was replaced by Special Ticket Examiners, and the arrangements for ticket checking recommended by the Moody-Ward Committee introduced on the East Indian Railway.

(c) So far as Government are aware, the detailed arrangements for the checking of tickets on the North Western Railway system generally have not always been the same as on the East Indian Railway.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House whether the Railway Board are satisfied with the system at present in vogue for checking tickets?

Mr. P. R. Rau: I cannot say that the Railway Board consider the present system to be perfect.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform this House whether the Railway possess any other variety of ticket checkers since the Moody-Ward Report has condemned this crew system?

Mr. P. R. Rau: No change is contemplated at present.

Lieut.-Colonel Sir Henry Gidney: Then there is nobody checking the tickets, I understand?

Dr. Ziauddin Ahmad: Is the Honourable Member aware of the fact that every Divisional Superintendent plays about with this scheme and changes this system along with the change of the office?

Mr. P. R. Rau: No, Sir.

Dr. Ziauddin Ahmad: Will he make an inquiry about it and find out if my statement is not correct? Will he make an inquiry?

Mr. P. R. Rau: Will the Honourable gentleman put a question on the subject, Sir?

Dr. Ziauddin Ahmad: Did I not draw attention to the case of the Divisional Superintendent at Allahabad in my previous question, on which he said he would make inquiries?

Mr. P. R. Rau: The results of the inquiry will be laid on the table in due course.

Lieut.-Colonel Sir Henry Gidney: Is it or is it not a fact that the Railway Board, having been committed to the system, do not now know how to get out of it?

Dr. Ziauddin Ahmad: Are not the Railway Board prepared to make an inquiry as to why this system of examinations was introduced only in one Division and nowhere else and the method of examination is not free from suspicion?

The Honourable Sir George Rainy: Government are not prepared to make inquiries. Surely, Sir, it is a reasonable thing to try a plan as an experimental measure in one Division without immediately extending it to all Divisions?

Dr. Ziauddin Ahmad: Is not the Honourable Member aware of the fact that they have been making the experiments for the last six years and that the time has come when they should put a stop to those experiments?

The Honourable Sir George Rainy: I am unable to see the relevancy of my Honourable friend's question.

Dr. Ziauddin Ahmad: I am also unable to see the relevancy of the Honourable Member's interference?

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member in charge kindly inform the House when he intends to cease experimenting and start working?

(No answer was given.)

RE-EXAMINATION OF TRAVELLING TICKET EXAMINERS.

†850. ***Khan Bahadur Haji Wajihuddin:** (a) Will Government be pleased to state if it is true that in some Divisions of East Indian Railway the Travelling Ticket Examiners are ordered to appear at a departmental examination of checking duties?

(b) Is it also true that amongst them are included the old Travelling Ticket Inspectors who have already passed the same and have got long service and are now working on much reduced pay?

(c) If the reply to part (b) above be in the affirmative, will Government be pleased to state what is the reason for compelling the qualified and experienced hands to re-appear at the said examination?

†For answer to this question, see answer to question No. 843.

LOSS OF EXCESS FARE RECEIPT BOOK.

851. *Khan Bahadur Haji Wajihuddin: (a) Will Government be pleased to state if the loss of an excess fare receipt book is considered a very serious offence?

(b) Will Government be pleased to state how many Travelling Ticket Inspectors worked in 1926 and how many such books were lost by them during the period?

(c) How many of the staff were employed on the whole of the East Indian Railway in 1929 who handled excess fare receipt books, i.e., Travelling Ticket Inspectors, Crew Inspectors and Crew in charges, and how many books were lost during that period?

(d) Is it a fact that increase in the staff handling these books has increased the loss as well?

(e) Is it a fact that in the Crew system a circular was issued that loss of an excess fare receipt book would result in the termination of the service of the employee concerned and several from amongst the staff suffered this penalty?

Mr. P. R. Rau: (a) The loss of an excess fare receipt book is a serious matter.

(b) to (c). Government have no information.

REFUNDS IN RESPECT OF EXCESS FARES RECOVERED.

852. *Khan Bahadur Haji Wajihuddin: (a) Will Government be pleased to state which officer on the East Indian Railway grants refunds in respect of excess fare recovered by staff, i.e., whether it is the Chief Accounts Officer or the Chief Commercial Manager (Claims)—and to whom this application for refund should be made?

(b) Will Government be pleased to state the percentage of amount refunded to the public in respect of the excess fare recovered by the Travelling Ticket Inspectors and Ticket Collectors between 1st January, 1926, to 30th June, 1926, and the same in respect of Travelling Ticket Examiners and Ticket Collectors between 1st June, 1931 and 31st December, 1931 (both separate)?

Mr. P. R. Rau: (a) The Chief Commercial Manager.

(b) These statistics are not compiled by the Railway Board and the information required is therefore not available.

TICKET CHECKING ON BRANCH LINES OF ASANSOL AND DINAPORE DIVISIONS.

853. *Khan Bahadur Haji Wajihuddin: (a) Will Government be pleased to state why the Crew system did not operate on the branch lines of Asansol and Dinapore Divisions when the said system worked on these Divisions?

(b) Is it a fact that the said branch lines were worked by Travelling Ticket Inspectors who were brought from a non-Crew area?

Mr. P. R. Rau: (a) The Crew system was not introduced on certain parts of the Asansol and Dinapore Divisions as the Railway Administration considered that alternative arrangements were better suited for these parts.

(b) Government have no information.

TICKET CHECKING ON MAIN AND BRANCH LINES.

854. *Khan Bahadur Haji Wajihuddin: (a) Will Government be pleased to state if it is a fact that during the operation of the Travelling Ticket Inspector system, main and branch lines were worked by the Travelling Ticket Inspectors as per programme which was given to them by the Divisional Inspector?

(b) Is it true that there being about 125 Travelling Ticket Inspectors only for the whole of the East Indian Railway, every train was not manned with staff throughout its run as is done now due to the strength of Travelling Ticket Examiners being raised to 650?

Mr. P. R. Rau: (a) Under any system of check by Travelling Ticket Inspectors, the latter work generally to a programme drawn up by their superiors. Government are not aware what the actual procedure was on each of the Divisions on which Travelling Ticket Inspectors were employed.

(b) This is substantially correct.

Lieut.-Colonel Sir Henry Gidney: As the Honourable Member has replied that Government have no information on the matter and Government are not aware of the facts, will he kindly inform this House whether he is prepared to obtain the information and become aware of these facts?

Mr. P. R. Rau: The subjects dealt with in this question are matters of minor detail and Government do not propose to interfere with the discretion of the Agents in the matter.

Lieut.-Colonel Sir Henry Gidney: Is it or is it not a fact that it is mainly these minor details that lead to unrest amongst railway employees? If the answer be in the affirmative, is it not the duty of the Honourable Member to inquire into these minor details, however minor they may be?

The Honourable Sir George Rainy: Government do not consider that it is their duty to obtain information as regards these particular points to which the Honourable Member has referred.

Lieut.-Colonel Sir Henry Gidney: Will the Government kindly inform this House what exactly is their duty in regard to the administration of the Railways?

Dr. Ziauddin Ahmad: If the Honourable Member will travel like an ordinary passenger, then he will find out the unrest that is caused. Members of Government travel in saloons and they know nothing as to what is happening.

EXPULSION OF CERTAIN CITIZENS FROM MHOW CANTONMENT.

855. *Khan Bahadur Haji Wajihuddin: (a) Will Government be pleased to state since how long Th. Amarsingh Laxmansingh and Mr. Bhagwan Dass Aggarwal have been under orders of expulsion from Mhow Cantonment?

(b) Are Government aware that Th. Amarsingh Laxmansingh* is a man of 80 years and during his long exile from Mhow Cantonment, which is his home, he has suffered several losses by death in his family at Mhow owing to his inability to arrange medical attendance by reason of the order of expulsion?

(c) Is it a fact that Th. Amarsingh Laxmansingh has since his expulsion lived in Indore and has forwarded a certificate from the Chief Secretary to the Prime Minister, Indore, testifying to his being a law-abiding citizen taking part in social service movements?

(d) Was a copy of the certificate submitted to the Government of India by the All-India Cantonments Association?

Mr. G. M. Young: (a) Since 1922 and 1923, respectively.

(b) Government are not aware of this person's exact age and have no information in support of what is stated in the remainder of this part of the question.

(c) and (d). Government have received from the All-India Cantonments Association a copy of a certificate purporting to have been granted by the official mentioned, to the effect that this person's activities have been in no way objectionable. Government are however in possession of detailed information to the contrary effect.

Mr. Jagan Nath Aggarwal: Will the Honourable gentleman consider the desirability of cancelling these orders? They must have served their useful purpose long ago?

Mr. G. M. Young: Government have considered the matter and have come to the conclusion that these orders should not be cancelled.

Mr. Jagan Nath Aggarwal: Are they prepared to place the material against these people before any court of inquiry?

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

Mr. C. S. Ranga Iyer: Are they prepared to place the material on the table of this House?

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

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

Mr. G. M. Young: The Honourable Member might wait till the next question is put and replied to, to find the reason why Government are not prepared to lay the material on the table of the House.

Lieut.-Colonel Sir Henry Gidney: Is it or is it not a fact that one of these gentlemen is related to the questioner on the other side?

Mr. President: Order, order.

Mr. Jagan Nath Aggarwal: Is the Honourable Member's insinuation based on any facts that he is in possession of?

Sir Hari Singh Gour: Sir, I very strongly disapprove the conduct of Lieut.-Colonel Sir Henry Gidney in insinuating personal motives to any of the questioners.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The House must have noticed that the Chair called the Member to order. (Applause.)

EXPULSION OF CERTAIN CITIZENS FROM MHOW CANTONMENT.

856. *Khan Bahadur Haji Wajihuddin: (a) Will Government specify the activities of Thakur Amarsingh and Mr. Bhagwan Dass since their expulsions that made their re-admission to Mhow Cantonment undesirable?

(b) Is it a fact that the All-India Cantonments Association forwarded with their letter No. 1924/A./B., dated 22nd April, 1931, a written undertaking from Mr. Bhagwan Dass that in case of the expulsion order being cancelled, he would do nothing that will bring him within the purview of Section 239 of the Cantonments Act dealing with expulsions?

(c) Are Government aware that there is a great agitation in cantonments against these two cases of long banishment from Mhow Cantonment?

(d) Are Government aware that the All-India Cantonments Conference, held at Lahore in October, 1931, passed a unanimous resolution urging Government to cancel these orders of expulsion and a copy of the same was forwarded by the All-India Cantonments Association to Government for consideration?

(e) Do Government propose to rescind the orders in these two cases?

Mr. G. M. Young: (a) Government are not prepared to disclose the information in their possession.

(b) The representation from Lala Bhagwan Dass Aggarwal forwarded with the Association's letter referred to contained no such undertaking.

(c) Government have no information to this effect.

(d) Yes.

(e) No, Sir.

SUPPLY OF ICE AND MINERAL WATER ON THE EAST INDIAN RAILWAY.

857. *Khan Bahadur Haji Wajihuddin: (a) Are Government aware that ice and mineral water are sold on the East Indian Railway line at higher rates than those obtaining on the North Western Railway line?

(b) If the reply to the above be in the affirmative, will Government state the reasons for this difference in rates?

(c) Are Government aware that the high rates on the East Indian Railway have caused discontent among the passengers in these days of economic depression?

(d) Is it a fact that when tenders were recently called for the ice and mineral water contract on the East Indian Railway, the contract was not given to the tenderer of lowest rates?

(e) Will Government explain the reasons for the disregard of the lowest tender in this case and do they propose to take steps to reduce the price of ice and mineral water on the East Indian Railway to the level of the rates obtaining on the North Western Railway?

Mr. P. R. Rau: (a) and (b). Government have no information beyond that appearing in the published time tables of the two railways referred to, which confirm the statement made in part (a) of the Honourable Member's question.

(c) No.

(d) and (e). Government have no information, but I am asking the Agent, East Indian Railway, for a report and will consider whether any action can suitably be taken.

Dr. Ziauddin Ahmad: On a point of order, Sir. When questions are put in the form, "Have the Government any information", this is only a formal way of asking a question.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member is making a statement.

Dr. Ziauddin Ahmad: I am raising a point of order, Sir. When we put questions in the form I have mentioned, we expect that the information will be supplied. We do not expect the reply that the Government have no information. We expect that the Government should give a definite reply containing the information asked for.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): If an Honourable Member asks a question as to whether Government are aware of a certain thing, they are entitled to say that they are not aware of it.

Khan Bahadur Haji Wajihuddin: Are the Government prepared to make an inquiry and lay the result on the table of the House?

Dr. Ziauddin Ahmad: Is it your ruling, Sir, that if we ask a question whether the Government have got information and they say that they are not aware of it, it is the end of the reply?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member has. I think, sufficient experience of the Legislature to know that when you ask a question and an answer is given either in the affirmative or in the negative, it satisfies that question. The Honourable Member is not debarred either to put supplementary questions and get further information or to put further questions giving Government due notice. But when the Honourable Member asks a question whether Government are aware of certain things, it is perfectly open to Government to say, no, they have no knowledge about them.

Mr. P. R. Rau: May I answer, Sir, to the supplementary question put by Khan Bahadur Haji Wajihuddin? I have already told the House that

I am asking the Agent, East Indian Railway, for a report and will then consider whether any action can suitably be taken. I am quite prepared to lay a statement of the action taken on the table in due course.

EXTENSION OF THE HOUSE-SCAVENGING TAX IN AMBALA CANTONMENT.

858. *Khan Bahadur Haji Wajihuddin: (a) Are Government aware that the Ambala Cantonment Board has, by a majority of votes, decided to increase the House-Scavenging Tax in Ambala Cantonment by imposing it on shops, offices, godowns that were hitherto exempt from that tax?

(b) Is it a fact that the Northern Command has issued a Circular to the Cantonments under its jurisdiction, on 17th December, 1931, not to submit any proposal of additional taxation and informing them that there was no prospect of getting any grant from Government?

(c) Is it a fact that the suggestion to increase the House-Scavenging Tax was based on the assurance that Government would give a substantial grant towards the water scheme of the Cantonment Board, Ambala?

(d) Does that assurance still hold good? If not, do Government propose to direct the Northern Command to make it clear to the Cantonment Board, Ambala, that their proposal to increase the House-Scavenging Tax did not entail any obligation on the part of Government to give a grant to the Ambala Cantonment Board?

(e) Are Government prepared also to give the Ambala Cantonment Board an opportunity to re-consider its proposal for enhancement in House-scavenging Tax in the light of Government's inability to pay any grant?

Mr. G. M. Young: (a) The attention of the Honourable Member is invited to the reply given on the 15th February 1932 to Sirdar Sohan Singh's starred question No. 357 on the same subject.

(b) Government have seen a copy of the circular referred to.

(c) Government gave no such assurance.

(d) and (e). Do not arise.

APPEALS IN CANTONMENTS.

859. *Khan Bahadur Haji Wajihuddin: (a) Is it a fact that appeals submitted under Schedule V of the Cantonments Act can be heard and disposed of only by the General Officer Commanding-in-Chief a Command?

(b) Are Government aware that the Inspecting Officer, Military Lands and Cantonments, Northern Command, is himself disposing of appeals submitted under the above schedule and the Cantonment Authorities in the jurisdiction of Northern Command have been accepting his decisions on those appeals?

(c) Is it a fact that in the Ambala Cantonment Board, minutes of dissents have been filed pointing out that the General Officer Commanding-in-Chief being the appellate authority in case of such appeals, has no power to delegate or transfer that power to any of his subordinates and consequently the decisions on such appeals given by the Inspecting Officer are illegal?

(d) Is it a fact that the Inspecting Officer also sanctioned the Budget of the Ambala Cantonment Board for 1932-33 and also grants in addition

to the Budget? Is it a fact that such sanctions can under rules be given only by the General Officer Commanding-in-Chief?

(e) Are Government aware that there is growing dissatisfaction among the people as to the justness of the decisions given on such appeals by the Inspecting Officer?

(f) Do Government propose to take action to put an end to this practice and to instruct the General Officer Commanding-in-Chief, Northern Command, to hear and dispose of such appeals and perform other statutory functions himself?

Mr. G. M. Young: (a) The Honourable Member's attention is invited to the third column of the schedule, which specifies the appellate authority for each class of appeal.

(b) to (f). I have called for a report and a reply will be laid on the table.

THE LUCKNOW-LALMONIRHAT TRAIN SERVICE.

860. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that the Eastern Bengal Railway have discontinued the running of the Lucknow-Lalmonirhat through train service from 1st March, 1932? If so, why?

(b) Are Government aware that it was a very popular train, and that its discontinuance has resulted in great inconvenience to the travelling public?

(c) Are Government aware that the Bengal and North Western Railway Administration are willing to continue the running of that train over their section of the line; and do Government propose to take steps to continue the service?

Mr. P. R. Rau: (a) The running of through services is arranged by Railway Administrations without reference to Government, who have, therefore, no information beyond that appearing in the published time tables. These show that the Lucknow-Lalmonirhat service is now a Lucknow-Katihar service.

(b) and (c). No. I am, however, bringing the Honourable Member's question and my answer to it to the notice of the Agent, Eastern Bengal Railway, for such action as he may consider necessary.

DISCONTINUANCE OF A THROUGH CARRIAGE ON AN EAST INDIAN RAILWAY EXPRESS.

861. ***Mr. Gaya Prasad Singh:** (a) Are Government aware that the East Indian Railway have discontinued the running of the through bogie-First and Second class carriage from Howrah by the 71 Up Express to Moghal Sarai, and thereafter by the 15 Up Express to Delhi, and this has resulted in great inconvenience to the travelling public concerned?

(b) Are Government aware that there is now no fast train from Patna on the main line for upcountry in the evening, and do Government propose to have the through carriage restored?

Mr. P. R. Rau: (a) The reply to the first part of the question is in the affirmative. As regards the second part, Government are aware that passengers who previously made use of the through service carriage are

now likely to be inconvenienced, but they have been informed by the Agent, East Indian Railway, that when the through service carriage was running, the number of passengers travelling in it was not sufficient to justify the service being continued.

(b) The trains referred to in part (a) of the question continue to run, thereby giving an evening service from Patna on the main line for up-country stations, but involving transshipment at Moghal Sarai. Arrangements for the running of through service carriages are matters which must be left to the Railway Administration to deal with; any serious inconvenience experienced will no doubt be brought up for discussion at meetings of the Railway Advisory Committee.

Mr. C. S. Ranga Iyer: Will the Honourable Member please state to what extent the loss was sustained in regard to the running of the through service and how much they have gained by abandoning the through service?

Mr. P. R. Rau: I want notice of the question.

Mr. C. S. Ranga Iyer: Will the Honourable Member please state whether he will write to the Agent of the Railway to place this information before the Railway Board so that they may lay it on the table of the House?

Mr. P. R. Rau: If the Honourable Member will please give me notice of the question, I will consider it.

Mr. C. S. Ranga Iyer: Will the Government hereby take notice of this question because the House is entitled to have information on that matter.

(No answer.)

Mr. C. S. Ranga Iyer: As the Honourable Member has not answered my question and as he has treated my question with silence I propose to move an adjournment of the House tomorrow.

UNSTARRED QUESTIONS AND ANSWERS.

DISCHARGE OF COMPOSITORS AND BINDERS FROM THE EAST INDIAN RAILWAY PRESS.

191. **Mr. S. C. Mitra:** (a) Is it not a fact that the work in the East Indian Railway Press, both Calcutta and Howrah, was uniformly normal throughout 1930 and up to March, 1931?

(b) Is it a fact that, in reply to the unstarred question No. 153, dated 2nd February, 1931, Sir Alan Parsons stated that instructions were issued by the Railway Board to the Agent, East Indian Railway that on the acceptance of the recommendations of the Special Officer, he should bring surplus posts under reduction?

(c) Is it not a fact that Mr. Mackenzie, Officiating Superintendent, East Indian Railway Press, Calcutta, admitted before the Enquiry Committee under the new Trades Disputes Act at Calcutta, that the recommendations of Mr. A. F. Slater were accepted in reorganising the printing office?

(d) Is it not a fact that each department in the East Indian Railway Press is inter-connected with other departments?

(e) Is it not a fact that the recommendation of Mr. Slater was that the number of binders to be retained was to be 175 and the number of compositors was to be 79?

(f) Is it not a fact that 16 compositors and 26 binders were discharged from the East Indian Railway Press in March, 1931?

(g) Is it not a fact that there was no reduction in the supervising staff of the East Indian Railway Press?

(h) If the answers to parts (a) to (g) be in the affirmative, will Government be pleased to state the reasons for specially selecting these 16 compositors and 26 binders for dismissal?

Mr. P. R. Rau: With your permission, Sir, I propose to reply to questions Nos. 191 to 194 together. I have called for certain information and shall lay a reply on the table, in due course.

APPEAL AGAINST DISCHARGE BY BINDERS IN THE EAST INDIAN RAILWAY PRESS.

†192. **Mr. S. C. Mitra:** (a) Is it not a fact that the Superintendent of the East Indian Railway Press, Calcutta, is immediately under the control of the Agent, East Indian Railway?

(b) Is it not a fact that an appeal against any decision of the said Superintendent lies with the Agent, East Indian Railway?

(c) Is it not a fact that the five persons of the Binding Section of the East Indian Railway Press, Calcutta, who were discharged by the Superintendent on the 31st March, 1931, appealed to the Agent through the Superintendent against their discharge?

(d) Is it not a fact that the said petition was not forwarded by the Superintendent on the plea that no appeal lay from such discharge?

(e) Is it not a fact that subsequently Mr. Mackenzie, the Officiating Superintendent of the East Indian Railway Press, Calcutta, admitted before the Enquiry Committee under the Trades Disputes Act, that an appeal against the decision of arbitrary discharge lies with the Agent?

(f) If the answers to parts (a) to (e) be in the affirmative, will Government be pleased to state what action has been taken or is intended to be taken against the Superintendent for not forwarding the appeal against his decision of discharge to the Agent?

CUT IN PAY OF BINDERS, COMPOSITORS, ETC., IN THE EAST INDIAN RAILWAY PRESS.

†193. **Mr. S. C. Mitra:** (a) Is it a fact that deduction is being made both from the pay of the ministerial as well as industrial employees of the East Indian Railway Press, Calcutta and Howrah?

(b) Is it not a fact that the industrial employees such as compositors, distributors, binders, etc., of the East Indian Railway Press, Calcutta and Howrah, are not allowed the privileges of closed holidays, bank holidays, and special early holidays like Armistice Day, like the employees of the ministerial staff in the same press?

†For answer to this question, see answer to unstarred question No. 191.

(c) Is it not a fact that the industrial employees like the compositors of the East Indian Railway Press, Calcutta, are allowed only 13 days' leave in a year under Annexure (ii) whereas the ministerial staff enjoy more holidays under Annexure (i)?

(d) Is it not a fact that the earnings of the employees like compositors, binders, etc., have come down considerably owing to the stoppage of the overtime system in the said Press?

(e) Is it not a fact that under the new revision of the scale of pay, as has been introduced from the 1st of November, 1930, the earnings of the industrial staff like the binders, compositors, etc., in the East Indian Railway Press, Calcutta and Howrah have decreased as is evinced from the fact that the binders who used to get Rs. 42 per month before November, 1930, now get Rs. 36 and even that after 2 years?

(f) Is it not a fact that the industrial employees like the Compositors, Binders, etc., submitted a memorial to the Honourable Member so far back as 12th January, 1931, stating that no consideration has been paid, at the time of fixing the initial wages, to the fact that the actual earnings were higher during the preceding twelve months and even in the past few years than the monthly wages now introduced?

(g) Is it not a fact that in the memorial, dated the 12th January, 1931, the memorialists submitted that they are to work compulsorily for about 47 hours more than what they did before the 1st of November, 1930?

(h) If the answers to parts (a) to (g) be in the affirmative, will Government state the reasons for introducing a cut in the pay of the industrial employees like Binders, Compositors, etc., of the East Indian Railway Press, Calcutta and Howrah?

DEDUCTIONS FROM PAY OF INDUSTRIAL EMPLOYEES OF THE EAST INDIAN RAILWAY PRESS.

†194. **Mr. S. C. Mitra:** (a) Is it not a fact that the deduction in the pay of the industrial hands in the Kanchrapara Workshops, Bombay, Baroda and Central India Railway and in the South Indian Railway has been stopped on the ground of their earnings being decreased considerably?

(b) If the answer be in the affirmative, will Government be pleased to state whether they contemplate to stop deduction in pay of the industrial employees of the East Indian Railway Press, Calcutta and Howrah, on the same ground? If not, why not?

STRENGTH OF SUPERVISING AND OPERATING STAFF IN THE EAST INDIAN RAILWAY PRESS, CALCUTTA AND HOWRAH.

195. **Mr. S. C. Mitra:** (a) Is it not a fact that, in reply to the unstarred question No. 112, dated the 28th September, 1931 (regarding strength of supervising and operating staff in the East Indian Railway Press, Calcutta and Howrah), Sir Alan Parsons stated that certain information had been called for from the Agent, East Indian Railway?

(b) Is it not a fact that in reply to part (a) of the unstarred question No. 113, dated the 24th September, 1931, Sir Alan Parsons stated that information had been called for from the Agent, East Indian Railway?

†For answer to this question, see answer to unstarred question No. 191.

(c) If the answers to parts (a) and (b) be in the affirmative, will Government be pleased to furnish the House with this information?

Mr. P. R. Rau: (a) and (b). Yes.

(c) The information was supplied to the Honourable Member in the Railway Board's letter No. 579-E. G., dated the 15th January, 1932, a copy of which is laid on the table.

LETTER FROM J. C. HIGGET, ESQ., DIRECTOR, RAILWAY BOARD, TO S. C. MITRA, ESQ., MEMBER, LEGISLATIVE ASSEMBLY, No. 579-E. G., DATED NEW DELHI, THE 15TH JANUARY, 1932.

With reference to the replies given to your Question No. 112 and part (a) of question No. 113 in the Legislative Assembly on the 28th September, 1931, I am directed to communicate the following information:—

Question No. 112—

(a) See reply to part (g).

(b) No.

(c) No.

(d) No.

(e) The post now designated 'Office Superintendent' was in 1926 designated 'Head Clerk'.

A Press Mechanic was appointed to maintain the modern plant in working order to undertake petty repairs which were formally undertaken by the Signal Workshops.

The Workshop Accountant is not an employee of the East Indian Railway Press.

Two compositors were for a time employed for checking compositor's worksheets. It has been found unnecessary to continue this.

(f) To provide the supervision requisite for more efficient and more economical working.

(g) Statement is attached.

Question No. 113—

(a) Reply is in the negative.

EAST INDIAN RAILWAY PRESS.

Statement showing the strength of staff of certain categories as it stood on 31st March, 1926 and on 31st March, 1931.

	1926.	1931.
(a) Operative Staff:—		
Compositors	101	88
Distributors	22	22
Proof pullers	14	13
Machinemen	28	29
Inkmen Machine	42	36
Pressmen	11	5
Binders	185	165
Total	403	358

(b) Subordinate Technical Supervising Staff:—

	1926.	1931.
Overseer	1	2
Foremen	4	4
Section-holders	2	4
Clerk in Charge Machine	2	..
Assistant Foreman	..	2
Jemadars	6	4
Press Machine	..	1
Litho Draftsman	..	1
Type Store Keeper	1	1
Stereo Plate Keeper	1	1
Total	17	20

(c) Superior Supervising Staff:—

Printing Superintendent	1	1
Assistant Printing Superintendent	1	1

GOVERNMENT PRINTING WORK PLACED WITH PRIVATE PRESSES.

196. **Mr. S. C. Mitra:** (a) Is it a fact that in reply to the unstarred question No. 103 of the 28th September, 1931 (regarding Government Printing Work placed with Private Presses) Mr. J. A. Shillidy stated that enquiries were being made?

(b) If the answer be in the affirmative, will Government be pleased to state whether the enquiries have been finished by this time? If so, what is the result of such enquiries?

The Honourable Sir Joseph Bhoré: I propose to deal with questions Nos. 196 and 197 together. The enquiries promised by Mr. Shillidy were duly completed and their result was communicated to the Honourable Member in the demi-official letters from the Department of Industries and Labour, No. A-332, dated the 3rd and 6th October, 1931, copies of which were also placed in the Library of the Legislative Assembly.

PAYMENTS MADE TO PRIVATE PRESSES FOR GOVERNMENT PRINTING WORK.

197. **Mr. S. C. Mitra:** Is it a fact that in reply to the unstarred question No. 104, dated 28th September, 1931 (regarding payments made to private presses for Government printing work) Mr. J. A. Shillidy stated that information was being collected? If so, will the Honourable Member be pleased to state the result of such enquiries?

DEDUCTION FROM PAY OF PIECE-RATED EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

198. **Mr. S. C. Mitra:** (a) Is it not a fact that 10 per cent. deduction being made both from the pay of the salaried staff and from the earnings of the piece-rated employees of the Government of India Press, Calcutta?

(b) Is it not a fact that the daily or piece-rated employees of the Government of India Press, Calcutta, are paid on the principle of "no work, no pay" and "pay according to the outturn"?

†For answer to this question, see answer to unstarred question No. 196.

(c) Is it not a fact that the piece-rated employees of the Government of India Press, Calcutta, are not allowed the same privileges of holidays on the bank-closing days, Sundays, etc., like the salaried staff?

(d) Is it not a fact that the salaried employees of the Government of India Press, Calcutta, are made permanent under a regular systematic rule, whereas there is no rule for making the temporary piece-rated employees permanent?

(e) Is it a fact that whenever any reduction has been made in the establishment of the Government of India Press, Calcutta, the axe fell heavily on the piece-rated employees?

(f) Do the wages of the daily or piece-rated employees come under the definition of pay as given in the Fundamental Rules 9(21)?

(g) If the answers to parts (a), (b) and (c) be in the affirmative, will Government be pleased to state the reasons for introducing a cut in the earnings of the piece-rated employees on the same basis as in the pay of the salaried staff?

The Honourable Sir Joseph Bhoré: (a) Yes.

(b) There are no daily/paid employees in the Government of India Press, Calcutta. The piece-workers in that press are ordinarily paid on the basis of their outturn but the principles mentioned are not strictly applied as the men are given leave with pay.

(c) Piece-rated employees of the Government of India Press, Calcutta, like the salaried staff are allowed Sundays and gazetted holidays according to the list published annually in the Calcutta Gazette.

(d) The transfer to the permanent establishment is governed by definite rules both in the case of salaried hands and piece-workers in the Press, Calcutta.

(e) As piece-workers constitute the majority of the establishment in the press, any large reduction probably has effected them seriously; but no such reduction has recently been made.

(f) Not, unless specially classed as 'pay' by the Governor General in Council.

(g) The question whether the piece-workers in the Government of India Presses should be subjected to the emergency pay cut of ten per cent. is being considered by Government.

DEDUCTION FROM PAY OF PIECE-RATED EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

199. Mr. S. C. Mitra: (a) Is it not a fact that the earnings of piece-rated employees of the Government of India Press, Calcutta, have been adversely affected owing to the stoppage of payment for the time period?

(b) Is it not a fact that the earnings of the piece-rated employees of the Government of India Press, Calcutta, have further been decreased in

comparison with their previous earning to a considerable extent on account of the abolition of the overtime system?

(c) Is it not a fact that the deduction in the earnings of the industrial workers of the Kanchrapara Workshop, Bengal, Bombay, Baroda and Central India Railway and the South Indian Railway, has been stopped on the ground of their earnings being decreased considerably?

(d) If the answers to parts (a) to (c) be in the affirmative, will Government be pleased to state whether they contemplate to stop deduction in the earnings of the piece-rated employees of the Government of India Press Calcutta? If not, why not?

The Honourable Sir Joseph Bhoré: (a) The stoppage of payment for meal intervals involved a deduction in the earnings. But it was introduced at a time when Government were granting concessions to the piece-workers in other directions which in the aggregate were estimated to involve the disbursement of much larger sums than had formerly been paid for the intervals. Subsequently petitions were received in which piece-workers asserted that the changes made, taken together, had operated to their disadvantage, and, after examination of the case, further concessions were given by Government in 1930.

(b) I am not clear as to what the Honourable Member means by the "abolition of the overtime system". If he will specify precisely the orders to which it refers I shall have enquiries made.

(c) I assume the Honourable Member is referring to the temporary cut in pay. In applying this cut special consideration has been shown to employees in Railway Workshops whose normal gross earnings have been reduced on account of the imposition of short time working. In their case the aggregate of the deduction on account of the temporary cut in pay and for short time working is not allowed to exceed their normal wages for 23 hours and no deduction on account of the cut in pay is made if the deduction for short time working is equal to or exceeds the normal wages for 23 hours.

(d) Does not arise.

EXAMINATION OF APPRENTICES IN THE RIFLE FACTORY AT ISHAPORE.

200. Mr. S. C. Mitra: Will Government please place on the table a copy of the communication from the Director of Ordnance Factories and Manufacture, No. 20239 (M. G. 1), dated the 22nd January, 1932, regarding arrangements for examinations of all apprentices—student and trade—in the Rifle Factory at Ishapore?

Mr. G. M. Young: A copy of the letter and enclosure is reproduced below.

Letter No. 20239 (M. G. 1), dated the 22nd January, 1932, from the Staff Captain to the Director of Ordnance Factories and Manufacture, to the Secretary, Public Service Commission.

I have the honour to forward for the information of Sir Ross Barker a copy of the syllabus for Ordnance Factories apprentices, with reference to Army Department Notification No. 560, dated the 19th September, 1931.

ules and Regulations for the recruitment of apprentices for training in Ordnance Factories.

The candidates must possess an elementary knowledge of Dynamics, Statics, Mathematics up to Quadratic Equations, Elementary Trigonometry and Physics.

The education standard which will satisfy Ordnance Factories when the candidates are examined by the Public Service Commission, is detailed below:—

Mathematics—

Algebra for Beginners, by Todhunter and Loney, 1920 Edition, up to Chapter 22 together with Chapter 24.

Trigonometry—

Plane Trigonometry, Part I, by Loney, 1920 Edition, up to and including paragraph 60, Chapter 4.

Physics by Rajanikanta De—1925 Edition.

(a) Part I.—General Physics, complete book.

(b) Part II.—Sound, Chapters 1 and 2.

(c) Part III.—Heat, whole book.

(d) Part IV.—Light, Chapters 1, 2, 4 and 6.

(e) Parts V and VI.—Magnetism and Electricity up to and including Chapter 12.

NOTE.—It is considered that sufficient elementary Dynamics and Statics is contained in Part I—General Physics above.

PETITION FROM APPRENTICES IN THE RIFLE FACTORY AT ISHAPORE.

201. **Mr. S. C. Mitra:** (a) Is it a fact that Mr. A. W. Connolly, the Officiating Superintendent of the Rifle Factory at Ishapore, had made an announcement to the apprentices of that Factory on the 26th February, 1932, that the theoretical and laboratory classes for the apprentices in that Factory would be shut down with effect from the 1st April, 1932?

(b) Is it a fact that the apprentices of the Rifle Factory at Ishapore have made a joint petition to the officiating Superintendent of that Factory on the 3rd March, 1932, in which they have stated how cloudy are their future prospects and how valueless their certificates will be under the new scheme? If so, will Government be pleased to state what action they propose to take on their petition?

(c) Do Government propose to redress the grievances of the apprentices? If not, why not?

Mr. G. M. Young: Inquiries are being made and a reply will be laid on the table in due course.

STATEMENT LAID ON THE TABLE.

REPORT ON THE HOWARD-NIXON MEMORANDUM REGARDING FINANCIAL QUESTIONS ARISING OUT OF THE SEPARATION OF BURMA FROM INDIA.

The Honourable Sir George Schuster (Finance Member): Sir, I beg to lay on the table the Report by the Standing Finance Committee on the Howard-Nixon Memorandum regarding financial questions arising out of the proposed separation of Burma from India.

Report by the Standing Finance Committee on the Howard-Nixon Memorandum regarding financial questions arising out of the proposed separation of Burma from India.

The Burma Sub-Committee of the Round Table Conference, 1930 recommended that the financial consequences of a separation of Burma from India should be thoroughly explored by experts of the two Governments, and that the statements prepared by these experts should be laid before the Standing Finance Committees of the Indian Legislative Assembly and the Burma Legislative Council respectively. A Memorandum on the subject was prepared by Sir Henry Howard, K.C.I.E., C.S.I., on behalf of Burma, and Mr. J. C. Nixon, I.C.S., on behalf of India.

2. In the first place, the Committee recorded that its consent to take the Memorandum into consideration implied no expression of any views on the merits of the question of separation as such. It merely discussed the financial consequences which would ensue if Burma were separated from India.

3. The Committee has felt some difficulty in performing the task allotted to it owing to the highly technical nature of many of the issues which are involved. For this reason and also because it has had no opportunity of hearing arguments on the other side it has been reluctant to express final views. Moreover it strongly supports the view expressed by the Government of India in their despatch on Constitutional Reforms of September 20, 1929, that the main issues should be submitted to an Arbitral Tribunal.

The Committee wishes its expressions in this report to be interpreted in the light of the foregoing observations. Such expressions must be regarded essentially as advice to the Government of India as to the manner in which the case should be argued from the Indian side, and not necessarily as indicating that this Committee would not consider acceptable any other solutions than those which it has indicated.

4. **Currency** (paragraphs 6—17).—The Committee was generally of opinion that it would be to the mutual advantage of both countries for Burma to retain the same currency as India. Certain members considered that until Burma had discharged all its debt to India, India should have the right to insist on Burma's not changing its currency system. The Committee preferred not to express an opinion on the three alternative methods suggested in paragraph 9 for the management of Indian Currency in Burma, as it anticipated that a Central Bank would have been established before the issue arose. Certain members thought however that if a choice had to be made, then the agency of the Imperial Bank of India would be the best. The Committee preferred not to express a final opinion as to whether Burma (*vide* paragraph 8) should or should not be left responsible for its own sterling remittance arrangements, the essential point being that India should be safeguarded against its own financial or currency position being weakened by the conduct of finance in Burma.

The Committee agreed that if Burma retained the use of Indian currency, it should be permitted to participate in an Indian State or Central Bank when instituted. The Committee considered that the conditions proposed in paragraph 10 in case Burma continued to remain within the

Indian currency system were suitable and sufficient from India's point of view. As the Committee had not contemplated Burma's introducing its own currency, it expressed no opinion in regard to the circumstances (given in paragraphs 12—17) which should accompany any such contingency. It held however that Burma would have to give India adequate notice of any such intention, the period of notice to depend on the circumstances at the time.

5. **Public Debt** (paragraphs 18—49).—The Committee was of opinion that, assuming present conditions to continue, rupee and sterling obligations and values should be converted at the rate of 1s. 6d. to the rupee. It considered that the Government of India should reserve the right to require Burma to discharge a proper part of its liabilities to India in sterling in London.

6. The Committee agreed (*vide* paragraph 27) that "allocated" debt liabilities, i.e., liabilities referable to particular assets, should be apportioned between India and Burma according to the location of the corresponding assets. It rejected unconditionally Sir Henry Howard's contention (contained in Annexure E) that the liability exhibited in the public accounts as allocated to Railways should be increased by about Rs. 39 crores representing the amount of specific "railway debt" already redeemed. The Committee also accepted the view (paragraph 28) that Burma should become directly responsible for certain debt liabilities referable geographically to Burma.

7. In regard to the "unallocated" debt, amounting on 31st March, 1930 to Rs. 226 crores, the Committee agreed that India should assume liability for the sum shown in the public accounts as due to the construction of New Delhi (Annexure G and para. 33). It observed however that India would be theoretically justified in demanding that an adjustment should be made at valuation instead of on cost figures. For the somewhat similar item involved in the Bombay Military Lands Scheme the Committee held that India should press for an adjustment at valuation and not at cost. The attitude of the Government of India in regard to both these items should however be dependent on satisfactory solutions being come to in regard to other parts of the settlement.

8. The Committee* was not in a position to arrive at any definite conclusion on the question whether it is possible (*vide* paragraph 30) to make a historic analysis of the elements composing the public debt in order to calculate Burma's liability to India in the matter of so-called "unproductive" debt. If it were proved that such an analysis (which many members would otherwise favour) is impossible, the Committee agreed that a composition on the lines set out in the Memorandum appeared to be the only possible course. A settlement on this question, as indeed on a number of other important questions, should be dependent on the settlement as a whole being on satisfactory lines.

9. On the assumption expressed in the last paragraph, the Committee approved of the plan proposed in the Memorandum for dividing the remaining "unallocated" debt (paragraphs 35—38). For the purpose of calculating the ratio it held that figures for Thathameda and Capitation Tax should not be excluded (Annexure I). The Committee considered however that India could press for the elimination of figures for opium

Mr. B. Sitaramaraju wanted it recorded that he thought that a historical analysis was possible.

receipts, but in that case it agreed that there was force in Sir Henry Howard's claim to have Excise receipts in Burma adjusted. As the margin shown in para. 7, Annexure I of the Memorandum between these relative contentions was small the Committee thought that the Government of India should be prepared to accept a compromise on the point.

10. The Committee accepted the suggested manner of calculating the rate of interest payable by Burma on its debt to India (paragraphs 42—44 and Annexures K and L). It held emphatically that Burma's debt charges to the Government of India should in the Act of Separation be made a statutory first charge on the revenues of Burma. It was not prepared to recommend the suggested repayment of principal at the rate of one crore a year as adequate. As a general principle it considered that the figure should be fixed in relation to the benefit which the revenues of Burma would receive on separation, having regard to the rates of taxation prevailing at the time.

11. **Pensions.**—The Committee remarked that it would be convenient to both Governments if the liability for old Family Pension Funds (Annexure J) could be capitalised, and advised the Government of India to pursue the matter and attempt to find a sufficiently accurate basis for the purpose. It held the same view in regard to the other pensionary liabilities which, according to the proposals, would have to be shared, and recommended that the Government of India should explore the practicability of a reasonably accurate manner of capitalising these also.

12. The Committee strongly supported the view expressed by Mr. Nixon in paragraph 70 of the Memorandum in regard to Burma's full liability for "live" pensions.

13. The Committee supported also the corresponding claim on Burma (paragraph 78) in the matter of "part-earned" pensions. It considered the suggestion of Mr. Nixon in paragraphs 78—81 of the Memorandum that this claim of India on Burma should be set off against Burma's claim on India for a share of the general immovable property of the Government of India situated outside Burma. The Committee considered that the case on behalf of India should be argued on the following lines. All transactions financed in the past from revenue resources or such like and carrying no present liabilities should be regarded as finally closed. The Government of India in the past has been responsible for weighing the various claims arising against the joint revenues of India and Burma and for applying these fairly and in the interests of India and Burma as a whole. In this view, Burma would have no claim on India for a share in these assets. If this is so, then the claim of India on Burma for part-earned pensions amounting to something like Rs. 4½ crores to Rs. 5½ crores would have no specific counterclaim to balance it and should be taken into account in the general settlement.

14. **Leave credits** (paragraph 84).—The Committee considered that India should formulate a specific claim against Burma for unexpended leave credits carried over by the joint staff at the time of separation.

15. **Military charges** (paragraphs 117—120).—It is of course accepted that Burma must bear the cost of any military garrison to be maintained in Burma and that this garrison must be maintained at sufficient strength to provide for all the normal requirements of Burma. The Committee, particularly having regard to the uncertainty as to the future constitutional position in the matter of the defence of India, did not feel able to

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LEGISLATIVE ASSEMBLY.

[18TH MAR 1932.]

make any final recommendation on the wider issue as to whether beyond this Burma ought to contribute to the general cost of the Army to be maintained in India, but it recognised that there might be grounds on which such a contribution might be demanded.

16. **Tariffs** (paragraph 124).—The Committee was of opinion that the two countries would find it to their mutual advantage to preserve free trade between each other in all indigenous articles and products, subject to the observation that it is understood that India would in the future replace by import duties the existing excise duties on such part of Burma's production of articles at present excisable, such as oils and silver, as may be consumed in India.

17. **Other matters**.—Consistent with their other views, the Committee considered that the general fraction determining the division of "unproductive" debt and pensionary liabilities should govern the apportionment of reparation receipts (paragraph 116) and of the payment on account of the British Navy (paragraph 121).

GEORGE SCHUSTER.

G. MORGAN.

B. SITARAMARAJU.

HARBILAS SARDA.*

R. S. SARMA.

ARTHUR MOORE.

ABDUL QAIYUM.

S. C. MUKHERJEE.

ZIAUDDIN AHMAD.

MUHAMMAD MUAZZAM.

S. R. PANDIT.

JAGAN NATH AGGARWAL.**

HARBANS SINGH.

GAYA PRASAD SINGH.*

S. G. JOG.

NEW DELHI;

The 3rd March, 1932.

* Subject to a separate note.

Notes.

As to paragraph 8, we are not at all satisfied with the way in which the question of the allocation of the so-called "Unproductive" debt between India and Burma has been settled. It is based on the assumption that it is not possible to have a historic analysis of the elements composing this unproductive debt or to prepare a debtor and creditor account between India and Burma from the earliest years. We quite realise that a strict creditor and debtor account may not be available, but some of the outstanding features can give sufficient data for an approximate calculation. It is possible, for example, to estimate the cost of the 3 Burmese Wars which was borne by the Indian Exchequer, and an approximate idea of the same is given in the "note of the Financial Transaction between India and Burma" appended to the report prepared by Mr. Nixon. According to this note, the cost of the first Burmese War was between five and fifteen million pounds, the second Burmese War about one million pounds, and the third Burmese War between four to six crores of rupees. It will be possible for an arbitral tribunal to arrive at a satisfactory figure between these various extremes. As the Indian Exchequer has borne the cost of all wars waged by the East India Company or the Indian Government in India and sometimes even outside India it is only fair that the Burma should bear this part of the burden. Next it must be remembered that Burma must have been a deficit Province for a large number of years and its Railways had been running at a loss till recently, an attempt should be made to find out to what extent the Indian Exchequer has contributed to the financial position of Burma.

2. As to paragraph 15, we would like to add that the present strength of the Army in India is based on the need of protecting the land frontiers of the country as also for maintaining internal security. If Burma with its large land frontier and its wide area were to cut itself away from India, there must be a contribution by Burma towards maintaining the present strength of the Army, or, the strength of the Army should be proportionately reduced. It cannot be maintained that the Army should continue at its present strength and the component parts of the Empire should be at liberty to cut themselves off from it. This will be placing a premium on separation. We do not think it necessary to go into any greater detail about the various other questions raised in the memorandum and about which final conclusions for reasons mentioned therein have not been arrived at.

HARBILAS SARDA.

JAGANNATH AGGARWAL.

GAYA PRASAD SINGH.

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 March, the 21st, Monday, the 21st and Tuesday, the 22nd, being gazetted holidays, the House will not sit. The House will sit for the transaction of Government business on Wednesday, the 23rd and Thursday, the 24th. The first business on

[Sir George Rainy.]

Wednesday, the 23rd will be the elections to the Standing Finance Committee and the Standing Committee on Emigration. We shall then proceed with the Legislative programme in the order indicated below:

(1) A motion for leave to introduce a Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register. It is hoped on a later date in the Session to make a motion that this Bill be referred to a Select Committee.

(2) Motions to take into consideration and pass the Bill to extend the operation of the Salt (Additional Import Duty) Act, 1931.

(3) Completion of the consideration, to be followed by a motion for passing, the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, as reported by the Select Committee.

(4) Motions to take into consideration and pass 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, as reported by the Select Committee.

(5) Motions to take into consideration and pass the Bill to provide for the fostering and development of the sugar industry in British India, as reported by the Select Committee.

(6) Motions to take into consideration and pass the Bill to provide for the administration and discipline of the Indian Air Force, as reported by the Select Committee.

(7) Motions to take into consideration and pass the Bill to provide funds to enable Government to continue wireless broadcasting in India.

(8) Motions to take into consideration and pass the Bill to validate certain suits relating to public matters, as passed by the Council of State.

(9) Motions to take into consideration and pass the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, as passed by the Council of State.

(10) Motion to take into consideration the amendments made by the Council of State in the Bill to define and amend the law relating to partnership.

(11) Motions to refer to Select Committee:

(i) The Indian Merchant Shipping (Amendment) Bill,

(ii) The Tea Districts Emigrant Labour Bill,

(iii) The Indian Medical Council Bill.

The other items of business outstanding are a Resolution in the name of Sir Joseph Bhole in connection with the Road Fund, and a motion by Sir George Schuster to take into consideration the Report of the Standing Finance Committee on the Howard-Nixon Report.

On Thursday, the 24th, the House, after completing the election to (1) the Public Accounts Committee, and (2) the Railway Standing Finance Committee, will proceed with the business entered on the Agenda Paper of the previous day and not concluded on that day.

Friday and Saturday, the 25th and 26th March, being gazetted holidays, the House will not sit.

I desire, Sir, at this stage to intimate that in the event of the aforementioned business not being completed by the evening of the 24th March, we shall desire you to make a direction that the House shall sit in the week beginning the 28th March. Monday, the 28th March, being a gazetted holiday, we shall ask for your direction, Sir, that the House shall sit on Tuesday, the 29th, Wednesday, the 30th and Thursday, the 31st March. We have every hope, Sir, that the business of the session will be concluded by that date, but should we be disappointed it will be necessary for us to move you to make a further direction.

ELECTION OF MEMBERS TO THE PUBLIC ACCOUNTS COMMITTEE.

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

"That the non-official Members of the Assembly do proceed to elect, in the manner required by rule 51 of the Indian Legislative Rules, four Members to be Members of the Committee on Public Accounts in place of Mr. S. C. Mitra, Kunwar Hajee Ismail Ali Khan, Mr. T. N. Ramakrishna Reddi and Rao Bahadur M. C. Rajah, who have retired in accordance with sub-rule (4) of the same rule."

The motion was adopted.

Mr. President: I have to inform the Assembly that for the purpose of election of Members to the Public Accounts Committee, the Assembly Office will be open to receive nominations up to 12 noon on Monday, the 21st March and that the election, if necessary, will take place in this Chamber on Thursday, the 24th March, 1932. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE GENERAL BUDGET—LIST OF DEMANDS—*contd.*

— DEMAND No. 28—EXECUTIVE COUNCIL—*concl'd.*

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Before taking up further consideration of Demands for Grants, the Chair would like to inform Honourable Members that in accordance with the arrangement which was agreed to by the House, the first four days have been occupied with token motions intended for the purpose of censure. The remaining two days, today and tomorrow, have been reserved for economy cuts, and the Chair holds in its hands a long list of agreed motions which are to be put before the House for the purpose of effecting economy. In that list the Chair notices a motion No. 22 which is obviously a token cut for the purpose of censure. According to the arrangement agreed to no token cuts can be taken up during these two days. The Chair however wishes to inform Honourable Members that if it is the unanimous desire of the House that the original arrangement arrived at should be varied to that extent and that the Chair should allow one more token cut to be discussed today,—as the first motion in continuation of the first four days,—then the Chair will raise no objection to such modification of the original arrangement, and would call upon the Honourable Member,

[Mr. President.]

Mr. B. Das, to move his token cut. The Chair would like to ask Honourable Members to state whether they desire such modification of the original arrangement.

Several Honourable Members: No, no.

Mr. President: Then it cannot be moved.

Mr. B. Das (Orissa Division: Non-Muhammadan): May I inquire if it will come up in its order?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Even then it is a token cut and is in conflict with the arrangement arrived at. I should like to inform the Honourable Member that the Chair could have refused to allow any further token cuts as not being in consonance with the arrangement previously arrived at, but the Chair did not wish to do so. The Chair wanted to give the House an opportunity of modifying the arrangement and to take up the Honourable Member's token cut now, but the House wishes to adhere to the arrangement which it unanimously arrived at, and the Chair cannot therefore help the Honourable Member.

Mr. B. Das: Sir, may I point out that a majority of the House, including the Government side, the Nationalist Party and the Independent Party are agreeable to it?

Mr. President: The Chair has put the matter to the House and it is clear that the House is not practically unanimous in favour of the proposed modification.

The question is:

"That a sum not exceeding Rs. 84,800 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 'Executive Council'."

The motion was adopted.

DEMAND No. 16—CUSTOMS.

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

"That a sum not exceeding Rs. 60,34,000 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 'Customs'."

Insufficient Economy effected by Government under Customs.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, I move:

"That the Demand under the head 'Customs' be reduced by Rs. 6,57,000."

In moving this economy cut, I wish to state certain general considerations which apply not only to this motion, but also to the other motions that will follow. The amount that is mentioned here is the difference between the amount of economy recommended by the General Purposes Sub-committee and the amount accepted by the Government hitherto. The

general position, Sir, so far as the proposals of economy are concerned, is this. The General Purposes Committee appointed to deal with the civil departments recommended, according to the summary given by the Government at page 77, a sum of Rs. 4,11,09,000; and the amount which the Government have so far been able to accept is Rs. 2,48,97,000, or nearly 2½ crores. There is thus a gap of Rs. 1,62,12,000. The total economy cuts effected by the Government both under the heads retrenchment and cuts in pay in the civil and military departments amount to Rs. 11,05,00,000. So far the economies that the Government propose to effect both in the civil and in the military departments are a great advance upon what they thought was possible at this time last year. At this time last year the Government thought that it would not be possible to accept a cut or to effect economies even to the extent of 2 crores; and the House will remember what a struggle there was between this side of the House and the Government Benches on this point. Sir, we feel that the Government have been able to advance in the matter of economy to a fairly substantial extent, but we also feel,—at least all the non-official groups including the European Group—that there is room for further economy both on the civil and on the military side, more on the military than on the civil, naturally, because the Military Budget is the much heavier Budget. The Honourable the Finance Member has told the House more than once with emphasis that he is prepared to go on pursuing all possibilities of further economy and will not rest satisfied until everything has been done that is possible in that connection. Sir, we accept that assurance. All that we are seeking at present is not to make up the deficiency that there is according to the committees' proposals and according to what is the demand of this side of the House, having regard to what has been done so far by the Government because the amount of 48 lakhs is the total amount of economies which could be effected if all the amounts that are on the agenda are accepted by the Government. That amounts only to 48 lakhs. It is far short even of the difference between the proposals of the General Purposes Sub-committee and the acceptances of the Government. The difference is, as I have said, 1,62½ lakhs; but as the House is aware, it is not possible for us to make up the total amount, as a good portion of the Budget is non-voted. Therefore, we have to be satisfied with moving such motions as are permissible within the limits of the voted grants under the different heads. Therefore if we succeed in carrying this motion and other similar motions that are on the list, we shall only be able to effect economies to the extent of 48 lakhs and no more; and there is another difficulty in which we are placed by reason of the fact that portions of the Demands in the Budget are voted and other portions are non-voted; that is to say, we cannot in most cases lay our finger on the particular activities or the personnel which in our opinion ought to be retrenched. We have therefore to make a lump cut of the highest figure that is available and leave it to the Government to distribute the economies in the best way possible according to the recommendations made by the different Sub-Committees.

I have mentioned that at this time last year Government were not prepared even to reduce the Budget by the very moderate demand that we made at the time; our demand then was necessarily moderate, because we had not an opportunity of studying the Budget; we have been able to do that now in the various sub-committees; and the Government themselves had not been able to go into the question in the manner in which we have been able to do under the advice and directions of the Government. The

[Sir Abdur Rahim.]

financial position of the Government has been getting steadily worse for some time past. When the General Purposes Sub-Committee and the other Sub-Committees sat, the financial position was very acute and we were advised by the Honourable the Finance Member, who himself is the Chairman of the main Retrenchment Committee, that we should effect as much economy as was possible. He was also good enough to give us a rough estimate of what he thought was possible in the Demands under the purview of the General Purposes Sub-Committee; and I take it that he gave similar estimates to other Sub-Committees. We went to work on that basis, and as I have informed the House, our Committee went as carefully as they could upon the materials and evidence at our disposal, through all the different items of expenditure, and we came to certain conclusions which are embodied in the two reports, and we also gave the Honourable the Finance Member our recommendations as regards the Foreign and Political Department, with respect to which we have not been able to complete our report so far. The General Purposes Sub-Committee, for which I am in a special position to speak, consisted of members selected from all parts of the House, and also an Honourable Member of the Council of State and further of two distinguished public men from outside, the late Mr. K. C. Roy who had special experience of the working of the various departments of the Government of India and a very intimate knowledge of the composition and history of those departments, and Mr. A. Rangaswami Iyengar, who was a Member of this House some time ago and who is well known as a politician of distinction. Business experience was very well represented by the Honourable Rai Bahadur Lala Ram Saran Das, who carries on a large business in the Punjab and elsewhere, and Mr. Ramsay Scott, a member of the European Group. We had also the advantage of at least two gentlemen with experience of administration in the provinces, Diwan Bahadur Harbilas Sarda and Khan Bahadur Wilayatullah. Then we had also as our colleagues my friends Mr. S. C. Mitra and Mian Shah Nawaz. I may say that the Honourable the Finance Member will be surprised to learn that some of these gentlemen had as intimate a knowledge of the official arrangements in the Government of India as any official himself. And last, but not least, we had the advantage of having as one of our members, Mr. Nixon, a representative of the Finance Department and I may tell the House that Mr. Nixon is a man who always speaks out plainly his views, and he gave us a great deal of information on the subjects of our inquiry. He did not mince words in representing the official views and what the officials considered to be their difficulties with respect to certain recommendations that we might make. We had of course to examine official witnesses, representatives of departments, and one or two members of the public who had experience of certain departments and who were in a special position to speak of them,—men like Sir Chunilal Mehta for instance. Sir, the conviction that was forced upon us after our inquiry was that in most departments there was over staffing and that there was considerable room for retrenchment of staff without in any way impairing the efficiency of the departments, and that exactly corresponds with the general impression of the public, not only the Indian but the European public as well, as to the composition of the departments of the Government of India. My friend on the other side said that there are certain phrases current such as the administration is top-heavy and phrases of like character. These phrases

are not without meaning. This is still the conviction of every one on this side of the House, and I shall be very much surprised if that is not also the opinion of many officials themselves, that the departments are in many cases top-heavy.

Now, Sir, our investigations disclosed that the general impression that prevails in the country is thoroughly well founded, and if we have made proposals for retrenchment, we have done so with the full knowledge and consciousness of our responsibility in the matter, even though we are non-officials, fully aware of the responsibility that rested upon us not to make recommendations which would in any way impair the efficiency of the working of the various departments of the Government of India. All our desire has been throughout, I can assure Sir George Schuster, to strengthen his hands so as to enable him to convince his colleagues in the Government of India that there is room for economy, and he well knows what dire necessity there is for effecting economy in the administration of the Government of India. It will not be possible for us in moving these motions to discuss every demand at length or fully, and I submit to the House, it is not necessary that we should do so, because we have before us the Reports of the different Committees. They had the time and the opportunity to study these Reports, and the Government have been good enough to supply us with a summary of the results of their deliberations, how much they have been able to accept so far and how much is under consideration and what particular recommendations they have rejected. They have also given their reasons for rejecting some of our recommendations. The House is in full possession of all that information, and it would be simply waste of time if we were to discuss the whole matter once again on the floor of the House.

Now, Sir, I come to this particular motion, and I will just make one or two observations regarding this demand. I wish to assure Honourable Members, especially my friend Sir Henry Gidney, that there is nothing about the Customs Department which particularly appeals to me. I made it a point not to look at the personnel of the different branches though we were supplied with the information, because some Members wanted naturally to know what was the pay and the strength of the department and also how it was composed. I assure the House that so far as I was concerned, I had not the time to look at the composition of particular departments. That did not form the basis of our recommendations in any way. Sir, as regards Customs, we were fully aware that this department was engaged in collecting revenues for the Government, and if we made any recommendations to retrench the staff which would interfere with that collection, then of course such a proposition Government could not accept, but to the best of our judgment we studiously avoided making any such recommendation. As regards this 6 lakhs, a good portion of it consists of what are called overtime allowances and penalty fees. That subject has already been discussed and I only want to point out this that having regard to the nature of the work which these Customs officers perform, be they Anglo-Indians or Indians, it makes no difference, they are very much overpaid. It must be remembered that there are slack seasons and busy seasons, and in slack seasons naturally the preventive staff has a slack time; but then suddenly sometimes boats come in and some of the merchants want their cargoes cleared without delay, whether it be a Sunday or a special holiday or it is night, and the merchants are quite willing to pay what are called overtime fees. Then a portion of the Customs staff

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is requisitioned to perform these duties,—it may be at night, say for four five or six hours,—but our case is that it is part of their duty to perform that work without any extra payment. They must be prepared when the busy time comes on to work beyond the ordinary allotted office hours. That is the position.

Then, Sir, the officers of the Customs Department of various classes are distinctly better paid than men in the provincial services who do the same class of work and are drawn from the class of people with similar, if not better, educational qualifications. We know what the responsibilities of the police officers are in the provinces. If you compare the salary of the Customs officers doing a particular kind of work, for instance the preventive work, with the salaries of provincial officers of the police doing similar work, you will find that the Customs officers are distinctly better off, and yet in the Police Department there is no such question as overtime payment. The Inspectors and Sub-Inspectors of Police are frequently called on at any time of the day or night, and they have to go and investigate cases on the spot, and some of them have to do preventive work more or less of the same class as work in the Customs Department. As a matter of fact, there is no doubt that police officers in the provinces have to work under far more arduous, difficult and risky conditions than the Customs officers. Take the preventive Inspector of Customs: his salary is Rs. 575, some men get special pay. Let me take Calcutta, where the Customs officers also work. The Inspectors of Police there get Rs. 175 to Rs. 300. So, there is a very good margin, and the Customs officers are very much better off. The appraisers get Rs. 250 to Rs. 675, whereas the Sub-Inspectors of Police get, I think, Rs. 130 in Calcutta and Rs. 160, in the Delhi city. Look at this difference in pay. (Lieut.-Colonel Sir Henry Gidney: "Is that the police pay?") Yes, and I am giving the figures from the Civil List. These overtime fees, penalty fees, or whatever you call them,—they undoubtedly belong to Government. The Government distributes them to the officers that work there, and also partly to certain clubs and institutes in which the seamen are interested—recreation clubs, seamen's institutes and so on. These fees amounted in 1931-32 to Rs. 12 lakhs. Whatever might have been the origin of the practice, whatever might have been their justification in easy financial days, we have to consider whether in these hard times when Government are reduced to such straits we should not be justified in asking Government not to give away the whole of it. We only suggested that, having regard to the practice that has prevailed and the expectations which have naturally formed themselves in the minds of the people, let them have half, and let the other half go to the public exchequer. Only Mr. Ramsay Scott, one of the members, held that he would be satisfied if 25 per cent. was taken by the treasury to begin with, and then afterwards the proportion might be increased in favour of Government. What is the alternative that we have been faced with by the present financial position? The alternative is a crushing burden of taxation weighing heavily and most injuriously on industries, commerce, trade, and even on men of the smallest means. Even the veriest poor have to pay additional taxation. In those circumstances can it be said that our demand that 50 per cent. of these fees which belong to the Government should be appropriated by Government, is unreasonable? That is the gist of our recommendations so far as these overtime allowances are concerned. The total Demand for

Customs is about Rs. 90 lakhs, and what we are proposing now is that that Demand should be reduced by Rs. 6 lakhs. Surely, it cannot be said that this is unreasonable. If the Finance Member could satisfy the House that the financial distress is gone, that we are really on better days, and revenue will be coming in now much faster than it has been doing for the last two or three years, then other considerations might arise. But I submit that at present there is really no room for choice, and I therefore commend to the consideration of the House the motion which stands in my name. Sir, I move.

Mr. President: Motion moved:

"That the Demand under the head 'Customs' be reduced by Rs. 6,57,000."

Sir Hugh Cocke (Bombay: European): I was a little alarmed when I got this list of cuts, having regard to the largeness of the figures, but I now understand that they are really put up from the point of principle,—that Committees of this House which went into retrenchment last year with great care made certain recommendations, and Government not having accepted those recommendations in full, these cuts are put down to represent the difference between what was recommended by the Committees and what was accepted by the Government. Therefore, on that point, I think as a matter of principle one can make no complaint. The Honourable the Mover has covered a large field in his remarks, and we are indebted to him not only for his great services last year on the Retrenchment Committee, which I think this House appreciates very much (Cheers), but also for pressing home the recommendations that have been made. There is no good having retrenchment committees unless you stand firm and press the recommendations home, subject, of course, to Government satisfying us, if they can, that they have not been able to accept all the recommendations made. And putting down these cuts in this form does give the Government an opportunity of telling us why it has not been possible to accept the cuts. We have been told that Government in the aggregate have accepted about 87 per cent. I am inclined to think that that is fairly good. Certainly, in business if you write to your agent and tell him he has got to cut down his telegram expenses from Rs. 10,000 to Rs. 5,000, you naturally demand something more than he can achieve, and if he cuts down the expense by one-fourth when you asked for half, you will probably be satisfied more or less in the end. But my particular reason for rising now is to ask Government to explain to the House very carefully why they have not been able to meet all the recommendations made. Taking the items under Customs, there are six items, and in several of them the Government have accepted practically the whole of the recommendations made. In two cases they have not done so. I think it is not for us to do the talking today; certainly not until we have heard the Government. We want the Government to explain. I hope Customs will not take the whole day, and I think we should be able to get on to other items. I do hope that Government will give us their reasons for not having accepted the recommendations of the Committee.

Mr. J. C. Nixon (Government of India: Nominated Official): The Honourable the Leader of the European Group pointed out that this motion has been raised as a matter of principle; and the principle that the Honourable the Mover is attempting to get the House to agree to is really this, that, when the Government have appointed a committee of the nature of these

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retrenchment Committees, it should, without further examination, accept the Committee's recommendations *ipso facto*. The Honourable the Mover of this motion is putting forward that point of view now, as he put it forward in some of the introductory remarks to one of his Committee's reports, where he held that the Government wasted time and money in going over the various recommendations of Committees which they had appointed, and in endeavouring to give effect to them. He held, in practically these words, that Government should, after they appointed their committees, accept their recommendations *ipso facto*. At the same time, he may point out to you, Sir, and to the House that he made a similar charge against Government in regard to their treatment of their heads of departments and subordinate officers. The Committee said:

We are convinced that supervision and co-ordination is generally very much overdone in the Government of India. What is clearly needed is greater reliance on the sense of responsibility of the various units of administration."

That is to say, the Committee also asked Government to give more weight to the advice and recommendations of their departmental heads. The recommendations of the Retrenchment Committees were in the normal course referred to the heads of the various departments, who gave the Government of India their careful opinions in the matter. Where the opinions of those heads of departments and the opinions expressed by the various Retrenchment Committees varied, the General Retrenchment Committee omitted to lay down the principle according to which Government should proceed. In the hurry of things, Government have, to some extent unfortunately, had to follow one of the principles laid down by the General Purposes Retrenchment Sub-Committee, and they have had to lay a very considerable amount of reliance on the opinions expressed by the heads of the various departments; and after all, Sir, it seems to me that any body which claims such jurisdiction as the Honourable the Mover of this Resolution is claiming is going beyond anything that any Government, either democratic or constitutional or otherwise, could ever possibly admit. It is going a long way beyond what a legally constituted court of law would ask for. I think the members of our Committee would acknowledge that in many cases they had had to frame the charges against their accused after the evidence had been recorded and after the accused had gone. Therefore, contrary to some part of the procedure in courts of law, the accused had not before our Committees an opportunity of answering the charges that were levelled against them. Yet despite that, the Honourable the Mover of this motion suggests that there should be no court of appeal. Not only does he urge the Government to carry out retrenchment to the last anna of the recommendations which the various Committees made and exactly along those lines, but as far as I was able to judge from various expressions used by Honourable Members sitting in his neighbourhood, he and they objected to Government conducting retrenchment and obtaining economies in any other directions. This, Sir, I suggest, is a state of things which no Government, either the present or the future, will be able to accept.

The Honourable the Leader of the European Group has invited Government to examine the actual proposals of the Retrenchment Committees and to state the differences of opinion between Government on the one hand and the Committee's recommendations on the other. In regard to

the Customs grant, this is a comparatively simple task. The difference between the Committee and the Government in this matter is focussed down to two items and to two items only. The Committee recommended that in the matter of Customs staff, by which I include both officers and the subordinate staff, there should be a general all round reduction of roughly 15 per cent., amounting in all to about 8½ lakhs of economy. Government, after considering the matter with the help of their heads of departments, have concluded that consistently with safety they cannot effect economy in that direction of more than 6 lakhs. I think myself that the House a few days ago did not altogether appreciate or give full value to some words which passed from the lips of an Honourable friend of mine in the European Group when he took up the subject of the Customs Department and said that in some respects the Customs Department was the last of the departments to be retrenched. It must be perfectly evident to all Honourable Members of this House that to conduct retrenchment in a sort of punishing spirit is not retrenchment at all. One is not conducting retrenchment in the Customs Department because one cannot let that department go scot free, when one was hitting some of the others. The definite object in view was to obtain economy and to help to balance the Budget, and any process which meant that we reduced the revenue collecting staffs so far that they were not physically able to collect as much revenue as before, and therefore we lost more on one side of the Budget than we gained on the other, would certainly not be described as retrenchment, and ought really to be described in terms which you, Mr. President, would probably not permit in this House. I have no doubt my Chief, the Honourable the Finance Member, will deal more completely with that aspect of the case when he takes up this subject, but there are one or two points of view in connection with this subject of the retrenchment of staff about which I should like to say a few words. The Honourable the Mover of this Resolution, at the instance of his henchman, if I may say so, quoted certain rates of pay to indicate that some of the preventive staff

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): I do not think the word "henchman" is a proper word to apply to any Honourable Member of this House.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The word is offensive and I should like the Honourable Member to withdraw it, especially as he has applied it to an Honourable Member who is a colleague of the Honourable the Mover.

Mr. J. C. Nixon: I withdraw that, Sir.

The Honourable Sir George Schuster: May I point out, Sir, that in the proper interpretation of the word, there is really nothing offensive. Henchman simply means a follower. I do assure you that there is nothing offensive in the word in the ordinary sense.

Mr. President: The word has been used and it is being used in a very offensive sense.

Mr. J. C. Nixon: Sir, the Honourable the Mover of this Resolution quoted for the information of the House certain rates of pay which the preventive staff at Calcutta was getting, and made certain comparisons

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with the rates of pay drawn by certain police officers. If I heard him correctly, he left this House with the impression that a certain grade of preventive officer was getting a rate of pay which started at Rs. 500 a month, and made a comparison with certain grades of police officers, who started on Rs. 130 a month. If he and the Members of this House will refer to page 17 of the Demands for Grants, they will observe that preventive officers in the Customs Department in Calcutta start on Rs. 130 a month, that is, at the same rate of pay as was quoted for police officers.

There is one other aspect of this subject which I should like to refer to and that is this. The Honourable the Mover of this motion in the earlier part of the week complained of the terms which we were offering to retrenched personnel and doubted whether we were giving them sufficiently lavish compensation. In presenting the cut of the amount which he has proposed he has not struck anything out, I notice, for the additional compensation which, if the matter was in his hands, he would pay to the retrenched personnel. Therefore, I take it that his proposal at present is that, despite the fact that we are not paying adequate compensation to the staff whom we are retrenching, we should still throw out more of them.

But, Sir, that is not the main point in the amount making up the sum of 6 lakhs odd which the Honourable the Mover of this Resolution is concerned in. The large item is the item of overtime allowance and such-like. In the Demands for Grants, at the end of the Customs Demand on pages 28 and 29 is an explanatory note giving the details of the figures composing this payment and also of those composing the corresponding item of receipt. It is perhaps not well known to Members of this House, at any rate it has not been frequently expressed so far, that this is a charge levied on a certain section of the trade for certain services rendered. It has been a principle expressed by Government ever since such charges were levied that they did not intend under any circumstances to make a net profit out of the transactions; that they were putting this imposition on the trade in order to make up for the extra expenditure in which they were involved. As a matter of fact Government have not entirely kept to that principle. Certain portions of these receipts do in certain circumstances accrue to Government. However, the point that I emphasize strongly is that at present this is a payment made by the trade for services rendered. It seems to me that the Honourable the Mover of this Resolution, in proposing that Government should take to themselves the major portion of these receipts, is rather liable to entrench on a privilege of this House which this House no doubt very jealously guards; for it seems to me to amount to this, that the imposition of this payment on a particular section of the trade of India shall no longer be for services rendered, but should constitute a sort of a tax. A tax of that sort can only be imposed through an Act and through the instrumentality of this House. (Laughter.) Also, I can see, there might be considerable objections put up by the merchants themselves, who at present feel it pays them to pay for services rendered, if they felt that this was no longer being paid out to the actual officers engaged in the job but was being taken into the Government coffers.

Sir, in this matter I would like to remind the House of some words expressed by my Honourable friend on the opposite Bench during the

course of this week's debate, because he and I on this occasion find ourselves seeing very much eye to eye—I refer to my Honourable friend, Mr. Mitra, who I think agrees to a considerable extent with the point of view which I am about to express. He and I quite agree that it is right and moral to take from the trade the money that we are taking for this particular purpose; he and I are, I believe, both agreed that we should pay at any rate some considerable portion of this sum to the labourer who does the work. I believe it is a principle of his that the labourer is worthy of his hire; therefore, I take it my Honourable friend, Mr. Mitra, is definitely against this motion, and that he does not think that Government can possibly appropriate this money to itself. What he thinks is that this money, instead of being paid to the present employees of Government, should be paid to another set of employees—a point of view with which I personally have very great sympathy—but I would point out to him that, if I have expressed his view correctly, it is hardly consistent that he should vote in the lobby against the Government. As regards the possibility of the overtime money being used, especially at the present moment, for giving relief to some of the men thrown out of employment, I may say that, under the instructions of the Honourable the Finance Member, the Central Board of Revenue are considering the matter.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Then why don't you accept the theory of the Independent Group and consider it along with it? (Laughter).

Mr. J. C. Nixon: There is one other matter to which I would like to address myself, and that is to accuse the Honourable the Mover of this Resolution of what appears to me to be something of an inconsistency. You can, Sir, take a horse to the water, but you cannot necessarily make him drink. On the first page of this pamphlet which Government provided for the perusal of Members, under the head "Customs", a total was drawn of Rs. 16 lakhs odd showing the recommendations of the General Purposes Committee. The second section was devoted to those specific recommendations which Government had found themselves able to accept. The Honourable the Mover has subtracted those two sums in the motion before the House. The Committee proposed a reduction in the grant of 5.88 lakhs. Government have put it down that of those 5.88 lakhs, they have been able to achieve, as a matter of retrenchment, only 2.36 lakhs. Consequently the Honourable the Mover of this Resolution asks that this House shall reduce the grant for Customs on this account by 3.5 lakhs roughly. Had the Honourable the Mover continued his reading down that page he would have discovered at the bottom, almost the last item, a statement under the heading, "Reductions in overtime fees on account of the depression of trade", a reduction of 2 lakhs 12 thousand. Sir, we in the Finance Department and Government hardly felt that we should be right to call that "retrenchment". We are getting a saving on the expenditure side of our Budget of that 2 lakhs 12 thousand; this amount was actually in the 1931-32 Budget, but we felt that it would be a misnomer to call that a matter of retrenchment. Therefore we put it down below in a perhaps too inconspicuous place; but I do draw the attention of the House to the fact that of that 3.52 lakhs reduction, which forms part of the motion before the House, we have in fact already achieved 2.12 lakhs; and I have no doubt that as I have now pointed this out to the

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Honourable the Mover, he will come up before this House and ask its permission to alter the figure in his motion by that 2-12 lakhs, because it is quite evident that this House can not expect to ask Government to subtract that figure twice over.

Sir Abdur Rahim: Will Government accept that?

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, I listened very attentively to the remarks made by my Honourable friend, Sir Abdur Rahim, and I was very glad indeed to receive his assurance that his desire to retrench in the Customs Service has nothing whatever to do with the personnel of that Department. I refer particularly to the Preventive Service. Let me assure him on my side that any criticisms I may make will also have nothing whatever to do with the personnel. The remarks I desire to make refer entirely to the criticisms he has made and the report the General Purposes Sub-Committee submitted for retrenchment in the Customs Department. Sir, although I was not a Member of that Committee, I claim to have some inside knowledge of this Department and it is, therefore, with a sense of responsibility that I again rise to take part in this discussion. I still say I am a whole-hogger so far as retrenchment goes. I consider the Finance Member and his army of Retrenchment Sub-Committee hydraheaded monsters have done a great wrong to employees of all grades trying to empty their purses by cutting their salaries, etc. They have reduced the salaries of public servants in order to serve the interests of the general public. I submit that is a wrong policy. I know my Honourable friend the Finance Member and I will never agree on that matter, so we must agree to disagree. In my opinion the Honourable Member in repeating his demand for further Customs retrenchment and demanding of Government to accept his cut is playing the role of Shylock who, in asking for his pound of flesh, wants every drop of blood, forgetful of the fact that this overtime is earned at the sweat of the brow.

Mr. K. Ahmed: You are therefore acting as Portia.

Lieut.-Colonel Sir Henry Gidney: I am trying to. Sir, in his desire to obtain every drop of blood he brings this motion before the House today, notwithstanding the fact that it was very fully discussed and lost on a division about three days ago. I am really very much surprised he should have thought it fit to bring this motion again before the House. Sir, I gladly admit members of the General Purposes Sub-Committee deserve the thanks of this House for the great services they have rendered. But members of the Committee have yet to realise that of times economy and efficiency are not compatible factors specially in the administration of Departments. Moreover you can carry your campaign of economy a little too far. I believe many Members will agree with me when I say that you have carried this retrenchment stunt a little too far in the present instance. And what is bound to be the result, especially in a Department like the Customs—dissatisfaction, discontent, and a threatened lowering of the morale of the men. I have not the slightest doubt the Honourable the Finance Member is not very happy in his seat today when he hears this demand being made from those of his own creation—members of the General Purposes Sub-Committee, and I am tempted to

quote what the Railway Member said to me the other day, "He asked for it and he has got it". When I read this report and listened to the Mover's speech I was reminded of the fate of the Railway crew system as perpetrated by the Railway Board which was so severely criticised this morning at question time. The Railway Board introduced the crew system because they felt they were being defrauded of money by the public. They one day suddenly awakened to the fact that they must retrench the pay of the crew system to ultimately discover that the crew system make good the deficiency by defrauding the public. The Moody-Ward Committee was appointed who made drastic retrenchments with the result that today the Railway Board is losing money heavily and have a dissatisfied staff of employees. The Honourable the Mover has forgotten that the Customs is the greatest revenue earning department in the Government of India.

An Honourable Member: No.

Lieut.-Colonel Sir Henry Gidney: I hear a "No" from the opposite side. I challenge you to deny what I have just said.

Mr. President: Order, order.

Lieut.-Colonel Sir Henry Gidney: I beg your pardon, Sir. I challenge the Honourable the Mover or any one in this House to produce another Department in the Government of India that supplies the same amount of revenue to the Government of India as does the Customs Service. Sir, they cannot do it. Sir, the Honourable the Mover of this motion forgot to mention the great difference between the expenditure and the receipts of the Customs Department between 1913 and 1931. Government returns clearly show that whereas in 1913-14 the expenditure and receipts were respectively Rs. 41.34 and 1113.78 lakhs in 1931-32, these figures were 96.44 and 5445.97 lakhs. So here we have a department that is bringing into the Government as revenue more than sixty times the amount of money expended on it, and yet the Honourable Member has selected this one department for such drastic retrenchment and is insisting on Government accepting it. Sir, apart from what the Honourable the Mover has said and apart from what the Government Member, Mr. Nixon, has said on this matter, it will be interesting for this House to know what a great financier said about this Department, I mean Lord Inchcape. This is what the Inchcape Committee said in their Report regarding the Customs Department:

"This Committee's observation that compared with 1913-14 there was probably a falling off of trade in the period ending 1922-23 may be true of the state of trade to-day, but the precise position cannot be verified statistically. That Committee recommended that "strength and pay of the staff at the various customs houses should be examined with a view to possible economies," but "having regard to the importance of maintaining revenue", it did not recommend any further reduction. In fact it was found necessary to increase the staff, and in the case of some establishments, to enhance the scales of pay."

The Inchcape Committee came to that conclusion as far as the retrenchment on the Customs Department is concerned a few years ago, and today we have the General Purposes Sub-Committee recommending the very opposite. The Honourable Member for Government explained very fully what action the Government have taken. They have, in the natural course of events, submitted the recommendations of the Committee for the opinion of the heads of the departments. And after all, I ask this House who knows better than the head of a department as to what economy is possible and what is not especially when one and all realise the acute present day financial stringency. It may be said, the head of

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a department has vested and even personal interests. Well, I again ask the Honourable the Mover of this motion, if an Ordinance were issued by the Government of India reducing the fees of all lawyers to a maximum of Rs. 50 per day with nothing extra for overwork, what would be, an eminent lawyer, do? Why, he would shout the law courts down. He would be up in arms.

Sir Abdur Rahim: Most certainly not.

Lieut.-Colonel Sir Henry Gidney: He would not tamely submit to this retrenchment. This is exactly what I am doing in response to his treatment of the Preventive Customs Officers. I am shouting down all his Committee recommendations and I intend to go on shouting till Government decline to accept his motion. I shall be silent only then.

Sir, on this Committee were eminent journalists and lawyers and eminent people from the Punjab, a province with no ports of its own or Customs Department, but there were no workmen on the Committee. What the Committee really needed was two or three workmen to put them in possession of actual facts. Now, Sir, what have Government done? The Government have accepted the major part of the retrenchment recommendations of this Committee. There is still a balance of about 6 lakhs which the Honourable the Mover wants to force the Government to still further retrench—his last drop of retrenchment blood—and that is the real reason why he has again presented it to this House today having failed, as I said before, in his previous efforts, three or four days ago, when my friend Mr. Mitra moved a motion before this House as a censure motion. Let us see what retrenchments have already been effected. Government have cut 10 per cent. of the staff; Government have cut 10 per cent. of pay; Government have cut down uniform and other allowances, but what is worst of all—and the Honourable the Mover cannot deny knowledge of it—is that in addition to this the men have for years found their overtime reducing, till today it is 44 per cent. below 1927, and this motion demands that this much reduced overtime be still further retrenched by 50 per cent. If any one will take trouble to work this out, he will really see how these men have suffered so far and what is now being demanded from them. Sir, the Honourable Member again drew a comparison between the Customs and the Police Departments. Surely he knows very well that the Police Department is not a revenue earning department; it is a money spending department. Surely, he realises, it does not require, as his report hints, physical force or a strong arm to demonstrate utility of an efficient Preventive Customs Officer. It wants brains, it wants a high sense of honesty and responsibility. I think the comparison is an absolutely illogical and absurd one. Then he said the police get no overtime or allowances. Surely the Honourable Member is aware of the fact that that is not so. The police do get overtime and allowances. When the Honourable Member says that they get no allowance he displays a lamentable lack of inside knowledge of the Police Department.

Mr. K. Ahmed: Additional fee for extra work.

Lieut.-Colonel Sir Henry Gidney: Sir, the real point at issue is this. The Honourable Member demands of Government to deduct 50 per cent. of this overtime. He is upset because all his committee demands

have not been accepted and he wants to force the hands of Government. This overtime allowance is paid, as the House knows, to the over-worked Preventive officers of this Department. This overtime comes from the merchants' purse—not the Government. It is paid to Government by the merchants and Government gives it to the men in return for their overtime services, using a part of it for philanthropic purposes and social institutions. Now, Sir, say, the Government refused to receive this money from the merchants, would the Honourable the Mover and his Committee object to the merchants giving it direct to the men for extra services rendered? Then, say, the merchants refused to give this overtime money to Government, what would be the result? Government would have to engage additional staff on high initial salaries to perform this extra work. I ask the Mover, is this his idea of economy, would this be cheaper to Government in the long run? Surely he must now see the folly, the incongruity of his insistent demand for retrenching this overtime? Surely he must see that this will neither save Government a single pie nor increase its revenue and surely he will not deny that if Government did accept his cut motion and retrenched 50 per cent. of this overtime it would be forced to engage additional staff to clear the over-work at a much higher cost; otherwise it would have to face congested ports and reduced import revenues and other dock dues. Is this the unenviable position the Mover desires to force Government into? If so, then his aim is not economy but financial loss. I should prefer to call this retrenchment pennywise and pound foolish and one that has everything to condemn and nothing to commend it. The Honourable Member says "No". I suppose these are the blood drops he wants with his pound of flesh from the Preventive Officer's overtime, utterly obvious of the profound anæmia that will result in expecting overworked and underpaid officers to work long hours of overtime without adequate remuneration. Sir, I am one with the General Purposes Committee in their desire to retrench, but I really do think the retrenchments which Government have already accepted are ample. I submit, with all the emphasis I can command that if this Retrenchment Committee goes too far and if Government, in their weakness, accept any further demands for retrenchment of their staff, they will be asking for trouble. Government surely know they are today face to face with a situation of grave labour unrest. Your servants are giving you loyal service. They are silently bearing the burden of their reduced pay with increased labour loyalty and with the greatest forbearance and patience. Do not overstep the mark. I beg of Government, indeed I solemnly warn Government, do not go beyond that mark—in other words do not retrench any more—because, if they do they will only set ablaze the smouldering embers of grave discontent that today exists in every department of the Government of India and to which these Retrenchment Committees are adding fuel and which, as sure as night follows day, will result in such an unparalleled economic catastrophe that Government will regret they ever appointed these Retrenchment Committees and the Mover will equally regret he pressed his motion before this House today. With these remarks, Sir, and this warning I ask Government to reject this demand which I oppose.

(Mr. Yamin Khan rose to speak.)

Mr. President: Before I call upon the Honourable Member to speak, I wish to know how much time he is likely to take. Today being Friday,

[Mr. President.]

the Chair would like to adjourn the House now unless the Honourable Member is likely to finish in five or six minutes.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I shall not take more than five or six minutes.

In the beginning I must pay my tribute to the General Purposes Sub-Committee, which took a lot of trouble in going thoroughly into this question and took great pains in examining this subject. We all appreciate the good work which has been done by this Committee. But with one remark which fell from my Honourable friend, Sir Abdur Rahim, I do not agree. He said that this Committee was composed of all parties and of all shades of opinion in this House. Unfortunately my party was not represented herein. He knows the circumstances, and I do not wish to repeat them in the floor of the House. My party was not represented, in spite of my great protests and in spite of my representations which I made at that time. But I do not wish to disclose as to who was responsible for my party not being represented on the General Purposes Retrenchment Committee. The one principle which I should like to make clear at the very beginning is this. It was decided that the reports of the various Sub-Committees should come before the main Retrenchment Committee and that the reports should be discussed there. After the interim reports of the various Sub-Committees were ready, they decided that they must give a chance to the Government of India to go through these reports without giving any chance to the main Retrenchment Committee or without allowing the main Retrenchment Committee to have any voice in the affair. So, these reports are really the reports of the various Sub-Committees, and they are not the report of the main Retrenchment Committee. We have got no share or responsibility in making these recommendations, but the responsibility for each report rests on the particular Sub-Committee which sat on particular subjects. In this way I do not stand committed to any proposals made by the different Sub-Committees, and therefore we must examine each point on its own merits. We have to go thoroughly into each case and to see whether any case has been made out for retrenchment, and it is only then that we can give our support to any proposal. But if we find that any proposal goes against the principle which we have adopted and if any recommendation, whether made by one Sub-Committee or the other, contravenes the principle which we had in our view, and if that recommendation was made, ignoring that principle, then we cannot find our way to lend our support. One principle which we have to take in considering the report of the General Purposes Sub-Committee, is that we should not touch very materially the salaries of the officials who draw a salary below Rs. 500. We, in the Sub-Committee of Posts and Telegraphs, took great care in going through this question of overtime allowance and discussed it at great length. We found there were some telegraphists who drew overtime allowance. We found there were people in the railways who drew overtime allowance. So this question of overtime allowance is not peculiar to the Customs Department. We find this prevailing in so many other departments, and so we must treat this similarly and simultaneously. If we pick up only one particular department, it will not be right or fair to stop it, unless the main Retrenchment Committee comes to the conclusion in future that it should be abolished all through. But before we come to this conclusion whether

overtime allowance should be retrenched or not, one principle will have to be taken into consideration and it is this: that a man who joins the service has in view the prospects in the service. He joins in the grade of Rs. 175 to Rs. 350, and he knows that he will make up over and above this Rs. 50 to Rs. 60 a month by doing extra work. If we make a sweeping retrenchment at this time, we will be depriving that man of the salary which he really expected at the time he entered service. We have already got a ten per cent. cut in the salary of all the employees. This man in the Customs Department will be deprived not only of ten per cent. of his fixed salary, but also his overtime in full. In this way he will forgo a substantial portion of his salary. This will act very harshly on the poor employee. If this recommendation is accepted, it will apply to low paid subordinates who are getting salaries from Rs. 175 to Rs. 350 and from Rs. 350 rising to Rs. 650. This is not a big salary at all. They are not people from whom you ought to take out a substantial grant of the kind which they are getting. I would not mind if 25 per cent., or 10 per cent. of this extra amount which they are getting, is also taken out. That would be quite sufficient; but beyond that, unless and until we come to one deliberate conclusion in the main Retrenchment Committee, I am afraid we cannot accept that proposal.

The Assembly then adjourned for Lunch Till Twenty Minutes Past Two of the Clock.

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

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I must at the very outset in regard to this motion, which has been described as an economic cut, make my position very clear. I was inclined to support this motion at the outset, but I have absolutely and definitely changed my mind after hearing the Leader of the Independent Party. He was the Chairman of a sub-committee known as the Retrenchment Sub-Committee and a Chairman of a retrenchment sub-committee cannot force his cut down the throats of an administration because he wants what he has recommended should be incorporated. As an Executive Councillor, he should have known—I regret his absence at present but I cannot postpone my speech awaiting his presence—as an ex-Executive Councillor he should have known that Committees are appointed to advise and, for members of committees, though they have constitutional authority, it is not the usual parliamentary etiquette, to say that every comma and every syllable of their recommendation should be carried out. I can understand the enunciation of the general principles. I can also understand the carrying out of large cuts. When my friend, Sirdar Harbans Singh, came forward with a censure cut—and I still maintain that a censure cut is a censure cut and a token cut is a token cut, but I do not understand an economic cut which is uneconomical—I say when my friend Sirdar Harbans Singh came forward with a censure cut reducing the supply to the Executive Council to one rupee, (he left one rupee so that it might be called a censure), there was not sufficient strength on the Opposition side, or for that matter there

[Mr. C. S. Ranga Iyer.]

was not sufficient opinion in favour of Mr. Harbans Singh in the all-Party collaborations to stand by that motion. This is the first time in the history of this Assembly when Ordinances rage outside, that a handful of Oppositionists do not make it possible for this side of the House to censure the Government. It is absurd and ridiculous for any Member on this side of the House to stand up and say, "We moved a censure cut". No. It was an economic cut that we moved, or a Rs. 100 cut; we have not censured the administration because we had not the courage to censure the administration as the Government was censured in the past by eminent men like Pandit Motilal Nehru and Pandit Madan Mohan Malaviya, even when there were no Ordinances in the country. I absolutely decline to associate myself with Sir Abdur Rahim's motion as an economic cut, when neither his party nor my party nor any other party on the floor of the House had the courage to unfurl the flag of censure when confusion is raging outside. That being the case, it is ridiculous, it is absurd, to talk of an economic cut. All that the Leader of the Independent Party said to-day could have been said on a 100-rupee cut. There was nothing to prevent an economic cut being discussed under a 100-rupee cut. So much for politics and policy.

Now coming to the merits of the question, because a Retrenchment Committee recommends that you must cut down so much, certainly it is not for the Chairman of that Committee to use this opportunity in this House—though he is perfectly entitled to do so from a constitutional point of view—it is not for him to use this opportunity in this House and set a pistol to the head of the Government and say, "Take this much or I censure you on economic grounds". That is not the way to deal with a situation like this. I am not in agreement with the figures of the Retrenchment Committee nor am I perfectly in agreement with the policy of retrenchment. I am very much appreciative of the facts that they have brought forward, and we all honour Sir Abdur Rahim for the labours he has devoted at very great personal inconvenience to himself in a great cause, but I do not accept his judgment in regard to retrenchment. I refuse to accept his figures because his figures in my opinion are unworthy of acceptance in toto, which is what he wants.

Now, coming to the attitude that I propose to adopt on this side of the House, it is an attitude certainly not of support for this motion. Whether it is going to be an attitude of neutrality or not or of active opposition to it, the future, which is not very distant before us, will reveal. But when I say this, I say it with a due sense of responsibility attaching to myself, not in any party capacity, but as a Member who has a constituency outside and who deeply felt the inability of this House to rise equal to the occasion and support the motion of Sirdar Harbans Singh, because he made it a censure cut and because he meant that only one rupee should be left for the Executive Council; and had his motion been carried, we would not have witnessed the painful luxury of conversations that we had from this side of the House, futile and in many respects unsatisfactory—as a memorial which we have submitted to the Honourable the Leader of the House will disclose when it is placed on the table—futile and unsatisfactory constitutional discussions that emanated from this House, because had Mr. Harbans Singh's motion been carried there would have been only one rupee left and you could not raise a constitutional discussion on that one rupee; and if you raised it on that one rupee,

subsequent discussions would have fallen to the ground; but what we wanted was not business; what we wanted was not censure; what we wanted, alas! was the luxury of futilities in which we have been indulging.

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam: Non-Muhammadan Rural): Sir, I am very much surprised at the remarks of my Honourable friend Mr. Ranga Iyer. If I understood him aright, he is trying to cut his nose to spite his face

Mr. K. Ahmad: What face?

Mr. B. Sitaramaraju: His face. He has mentioned about the cut motion of my Honourable friend, Sirdar Harbans Singh.

An Honourable Member: Speak louder.

Mr. B. Sitaramaraju: If he had any cause for complaint that that motion could not be discussed in this House, who is at fault?

Mr. C. S. Ranga Iyer: Who is at fault?

Mr. B. Sitaramaraju: I am answering you. It is the fault of the Leader of the Nationalist Party whose cut motion was put down for that day.

Mr. C. S. Ranga Iyer: Of every party; of all the parties including the Leader of the Nationalist Party.

Mr. B. Sitaramaraju: No. I maintain that it was not the fault of anybody else. It was an arrangement, as you know, Sir, that all the party leaders had come to a particular arrangement, and according to that particular arrangement my Honourable friend, the Leader of the Nationalist Party, had to move his cut; and when that cut was tabled, it was of necessity given preference to other cuts in accordance with the ruling you then gave on the understanding which we all unanimously agreed to follow; and I therefore say that my Honourable friend Mr. Ranga Iyer being a Member of this House is bound to obey the arrangement.

Mr. C. S. Ranga Iyer: I was not present at your party meeting.

Mr. B. Sitaramaraju: If my Honourable friend was not present, is that any reason why he should come now and censure us and bring this debate into disrepute?

Mr. C. S. Ranga Iyer: You brought Sirdar Harbans Singh's motion into disrepute.

Mr. B. Sitaramaraju: And instead of having a quarrel with his own leader and with his own party or for that matter instead of settling the quarrels amongst themselves, he has wantonly attacked my leader. It is no use denying that fact. What has my leader done now? He wants that a certain retrenchment should be made in Customs, and he has shown the grounds why that retrenchment should be given effect to. And he has

[Mr. B. Sitaramaraju.]

shown grounds how retrenchment could be effected. Does it lie in the mouth of a Member of the Nationalist Party to say that there should not be retrenchment effected in the expenditure of the Government simply because Sirdar Harbans Singh's motion could not be discussed? Sir, I am very much surprised. I am always anxious that we should try to understand each other and perform to the best of our ability the duty that is cast upon us. We do not want to import unnecessary and personal matters into the debates on the floor of the House. After all, we have come at a great sacrifice

Mr. C. S. Ranga Iyer: Every one has come at a sacrifice.

Mr. B. Sitaramaraju: I am glad to hear that every one has come at a sacrifice,—I know Members come at great personal sacrifices,—all of us have come from long distances,—to share with the Government such responsibility as we can, to tell the Government when we cannot agree with them, why we could not and what they should do. When that is our object, why should we unnecessarily quarrel and then attack each other simply because Sirdar Harbans Singh's motion could not be moved

Mr. C. S. Ranga Iyer: The merits of that motion, the censure motion.

Mr. B. Sitaramaraju: My friend says it is a question of the merits of that motion. Honourable Members of this House are aware that the merits of that motion have been discussed by a Resolution of this House.

Mr. C. S. Ranga Iyer: A ridiculous and fantastic Resolution.

Mr. B. Sitaramaraju: It may be a ridiculous Resolution, but my Honourable friend was himself a party to it. (Applause.)

Mr. C. S. Ranga Iyer: A party under a compromise.

Mr. B. Sitaramaraju: My friend says that he was a party under a compromise, but still

Mr. C. S. Ranga Iyer: A compromise which was not observed.

Mr. B. Sitaramaraju: A compromise, my friend says, which was not observed. So far as I understand the position, there was no such

Mr. C. S. Ranga Iyer: I would point out, Sir

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order: The Honourable Member must remember that he was not interrupted even once during the course of his own speech. The Chair finds that the Honourable Member who is in possession of the House is hardly allowed to complete a single sentence without being interrupted by the Honourable Member. I should like to ask the Honourable Member whether it is wise to discuss on the floor of the House what happened inside party meetings. The arrangement to which the whole House agreed has

been carried out. I did not like to interrupt the Honourable Member when he was addressing the House, but it is not desirable in the opinion of the Chair that any discussion of what happened at party meetings should take place here as far as possible, and unless the question of principle is involved, it should not be brought on the floor of the House. The Honourable Member had full liberty to give expression to his views uninterrupted, and the Chair would ask the Honourable Member not to interrupt other speakers. If after the conclusion of the speech of the Honourable Member who is in possession of the House, the Honourable Member has anything to say by way of a personal explanation, the Chair will give him ample opportunity to do so, but in the interests of good debate the Honourable Member will abstain from interrupting so frequently as he has been doing.

Mr. B. Sitaramaraju: Sir, I am very grateful to you for your remarks. That is exactly what I am trying to convey. It is not for us to import into this question extraneous considerations.

There is just one more observation which my friend made. He said that it does not lie in the mouth of Sir Abdur Rahim, the President of the General Purposes Committee, to say that the Government should accept every one of the recommendations of that Committee, and that it was not open to them to say so. That is not exactly the position, Sir, that my leader has taken up. What he said was this, that there was considerable room for retrenchment, but still Government had not carried out retrenchments to the extent that they should have. Although we had the explanation of the Honourable the Finance Secretary and other Members, still we are not quite satisfied with the explanation offered, and we feel that Government have not effected retrenchments to the fullest possible extent.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Mr. Ranga Iyer should give notice of his own amendments, instead of criticising others.

Mr. K. Ahmed: Sir, this is a cut motion that the Demand under the head Customs be reduced by Rs. 6,57,000. That is called an economic cut, I understand. (Laughter.) It has been distinguished by my friend Mr. Ranga Iyer

An Honourable Member: He is your friend.

Mr. K. Ahmed: Yes, he is my friend but he does not ask me to lunch. (Laughter.) My friend has distinguished that economic cut and has called it a token cut, or a cut on a motion of censure.

An Honourable Member: What is the difference?

Mr. K. Ahmed: That is an elementary question. Now, Sir, according to my friend, by calling the cut an economic cut, it is implied that because he is a party leader he agreed to that cut, and the Honourable the President accepted it; but it is no use criticising the term, whether it is a "token cut" or a "censure cut" or an "economic cut", because now the whole country is fighting, and my friend Mr. Ranga Iyer has today forgotten—he

[Mr. K. Ahmed.]

is breathing so rapidly (Laughter)—he is not economising towards committing murder he is killing, he is inhaling and exhaling all his breath,—he is killing the insects of the atmosphere, particularly on the floor of this House. Be that as it may but the Honourable Member from Bengal, the Mover of this motion, wants to reduce a certain amount which is incurred on overtime payment for officers of the Customs Department. The figures can be found at pages 1 to 29, and it appears under head Preventive Officers. There are in the present year 273 such officers. Out of these 273 Preventive Officers mentioned by the Mover of the motion I understand that a majority of them belong to the community of my friend Colonel Sir Henry Gidney who I find is likened to Shylock, but he himself is pretending to play the role of Portia. He is rude, and instead of being tolerant, he is rough to his friends of the opposite party, forgetting that the major portion of the 273 appointments of Preventive Officers are held by members of his community and their salaries are paid out of the revenues collected from the majority community whom some of my friends represent in this House. And if he had any sense of humour (Laughter), if my friend Sir Henry had realised the situation, he would have seen that it is now over 12 years that he is representing a constituency, and if he is not doing any service to them, I am afraid that he is doing a great injustice to the constituency that he has the honour to represent; instead of trying to do good to his constituency, he is badly treating them, because he knows,—I am telling him through you, Sir,—he is sitting very cheerfully on his seat (Laughter) without realising the whole situation and treating his colleagues as if they are, what shall I say, savage beasts. (Laughter.) (An Honourable Member: "They are friends.") Yes, but he did not invite them to lunch or was even courteous when speaking. Well, if my friend knows that his constituents should be treated well, particularly in view of his nomination to this House, then he should urge that the members of his community should be properly paid, and it is his duty to make matters smooth and not to make them rough. It is, Sir, for that reason

Mr. C. S. Ranga Iyer: On a personal explanation, Sir. In view of the observations that are being made relating to my conduct, I should like to explain and it is supported by my side of the House that the question that this motion should be supported as a party arrangement is absolutely incorrect, because our party has not agreed to support the motion or to oppose it. The only arrangement was that it should be taken up for discussion, and every one of my party is a free agent.—I have not therefore been a party to any breach of agreement.

Mr. K. Ahmed: That explanation should have been given by the Honourable Member much earlier or at least after I had finished (Laughter); out of courtesy he should have followed the rules of etiquette of this House or of any society and I am very much afraid that my Honourable friend is not conducting himself properly. (At this stage Mr. C. S. Ranga Iyer rose in his seat to interrupt the speaker.) I am not going to yield. He is not in a proper mood and I am very sorry for him because his movement today from beginning to end shows that people in these hard days will not put up with it. We have got the licence to address this Assembly, with certain understanding, under certain rules of etiquette. If we conduct ourselves and become objectionable in season and out of season, will the independent Members, particularly the elected Members, and you,

Sir, who are elected by the people—will the Members of this House allow that sort of thing when people do not like it and if anybody is objectionable people would not put up with it. Sir, I leave my Honourable friend Mr. Ranga Iyer alone.

Coming to the cut of Rs. 6,57,000, which is called an economic cut, my friend the Leader of the Independent Party wants to carry home from the point of view of economy that the rate of payment for overtime work should be reduced by half. Many other Honourable Members have mentioned that in other departments there is no overtime for extra work, for instance, in the police and the C. I. D. They work day and night; they have to wield regulation *lathis* and watch day and night, and where are those Anglo-Indians, where are those people who want overtime which comes to Rs. 13 or 14 lakhs? This year time has lapsed and payment will be made up to the 31st March. There is no work in the port of Calcutta; very few steamers are coming in. I do not know about the condition in Bombay and Karachi, probably it is worse. The amount of reduction which is stated in the cut by the Leader of the Independent Party will not be the right figure, because all of us know even from the income of the other departments, such as the railways and others; probably it will be much less. So, I do not think there will be very much overtime that these Customs officers will have to work. But be that as it may, it is for the sake of a principle that the fight is taking place on the floor of this House. If Mr. Nixon, who has been in the Accountant General's office, Bombay, had not used the word "henchman" to Mr. S. C. Mitra he would have done better than what he did in his maiden speech to-day. 20 years ago I used that term in respect of a Junior Public Prosecutor of Alipore and the Magistrate immediately took me to task. I was then a practitioner of three or four years' standing, and I was in the same position as Mr. Nixon is to-day. I have since grown old. Once I called a Public Prosecutor as "Private Persecutor" and I lost my case. (Laughter.) Sir Henry Gidney has forgotten his position and is fighting with the Leader of a Party who is a very educated and experienced gentleman, the second of whom you cannot get in the whole of my province. It is high time that the Honourable the Finance Member came forward and asked politely the Leader of the Independent Party to withdraw his economic cut, giving a definite promise that Government will consider and follow the rules of economy. No Government can now-a-days become spendthrift. Their debts are becoming greater and greater. I do not know what danger is ahead in the coming year. So, it will be advisable if the Government explain the situation and try to bring about uniformity in the salaries paid in different departments. The majority of these Anglo-Indians, without passing any examination or being educated in any university, draw fat salaries. My Honourable friend Mr. Yamin Khan is far away from the port of Calcutta, in an upcountry district, Meerut, with very little experience of what happens in the Customs offices in Calcutta, Bombay and Karachi. He innocently stated in his speech that to start on a salary of 130 per month you must be a graduate at least. I challenge Government and Colonel Gidney to say how many of them are graduates. Now, this *jal* police (Port Police), as they call it, are not getting all sorts of extra pay and allowances in addition to their salary. I happen to have experience of both the police and the Customs officers as my Chamber is situated next door, so to say. I have been there for 22 or 23 years and I know every corner of the Customs House and the police court. I know the duty discharged by the police.

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LEGISLATIVE ASSEMBLY.

[18TH MAR. 1932.]

[Mr. K. Ahmed.]

Is there any justification for these Anglo-Indians in the Customs office to draw Rs. 130 to 575 without passing any examinations? Is it a joke or is he a spoilt child? (*Lieut.-Colonel Sir Henry Gidney*: "Spoilt child.") If it is a spoilt child then the parents know how to treat him and he will tumble down and realise that this is not the game of a child. My friend Col. Gidney must realise which community he is representing. It is a principle for which the fight is going on, and I hope that the Honourable the Finance Member will get up and explain how he is going to observe the rules for retrenchment.

I have a personal grudge against this office, speaking on behalf of my community. There are only three Muhammadan Preventive Officers out of 273 officers. One man, who was an M.A. with first class honours, has been permanently transferred to the Education Department as Lecturer at the Islamia College on a higher salary than Rs. 130. Members of my community are told in this House, in season and out of season, that though they have passed the examination, they lack experience and they cannot pass a departmental examination. The second Preventive Officer has got 14 years' service. On account of retrenchment his post has been reduced, while Anglo-Indians with 25 to 30 years service or even more and who ought to have been reduced first have been retained. My friend Col. Gidney does not realise the position. (*Lieut.-Colonel Sir Henry Gidney*: "What is that?") My friend asks what is that. Is there any country where this sort of jobbery, pilfering and extortion goes on at the expense of the tax-payer? That poor Muhammadan lad with 14 years experience in the service has been reduced. I want to ask the Honourable the Finance Member, Mr. Nixon, and the Revenue Board how long this injustice is going to be done to my community. My friend Col. Gidney is representing the Anglo-Indians, but why should the Government give him and his community any preference over the sons of the soil? Have you heard of any country where the sons of the soil are treated like this? If a man is a Muhammadan then you think according to you he must be disqualified. This is the sort of treatment meted out to members of my community, and I challenge the Honourable the Finance Member to make an inquiry into this matter, that if the rule for retrenchment has been infringed and a poor Muhammadan lad is the victim, that has got to be set right, and the sooner it is done the better, because our people are getting impatient, and the treatment meted out—particularly in this department is certainly shocking.

Four years ago, Mr. President, when your predecessor was in the chair, it was myself that had taken to task a Customs officer in Calcutta, and also the Chairman of the Board of Revenue, because they would not listen to those memorials which they receive day and night. Sir, I might mention that I wrote a demi-official letter on the basis of certain information from some Muhammadan Association asking the Collector of Customs, Mr. Hardy—who was here sometime ago sitting in the seat of our Honourable friend, Mr. Nixon—but, Sir, he had not the courtesy to reply to my letter, though he is my intimate friend, as far as I am personally concerned. But, Sir, if injustice is done, in order to satisfy the Anglo-Indian community and in order to suffer illegalities known to the trade, then it is high time that something was done, so that justice may prevail, and if justice is not done, then we go to the Government. If the Government

already know all the facts and still they will say, "We shall consider", but will never consider the situation, and if that boy is removed from his post while men with 25 to 30 years' service or even more are kept on, so that they might continue to draw their fat salaries, is not, I ask, the very object and its principle laid down by themselves of retrenchment frustrated? Does not the Honourable the Finance Member or Mr. Nixon, who mentioned a court of appeal, realize that this is the court of appeal for him, and that if he had to appear before that court, contempt proceedings would have been drawn against him for negligence and dereliction of duty? I ask, Sir, in all seriousness that these matters should be inquired into and justice should be done to these poor people. As far as my friend, Sir Hugh Cocke, is concerned, he says there are certain items of retrenchment which were considered—I think two of them he said—but as regards the rest, "not till he heard from the Government"—said my friend—would he do anything. Is he not, I ask, the Leader of the European Group here? Is he not independent of the Government? Has he not got his own opinion? I thought my friend was very good at arithmetic and in audit, and if he will expect that the certification will follow, I am very sorry. With regard to Mr. Nixon's statement that he wants the sense of responsibility in the departmental heads to be waited for, it was his duty, Sir, that he should have at once, instead of making a lengthy speech, told his leader, of whom according to him he is the "henchman", that he would at once advise him to take into consideration all those six items, so that the Government would try their best to help the Sub-Committee in the matter.

Sir, the ten per cent. cut is no doubt a uniform cut all through; and they have agreed I believe that the ten per cent. should apply with regard to overtime also. Well, Sir, there is also the principle of the cut in the deduction of salary including overtime. But then if a definite amount will be reduced if this motion is carried, I do not know how far the position will be affected when the Honourable the Finance Member moves his motion for granting that Demand of about 13 lakhs I believe, and if there is a reduction for the sake of economy of 6 lakhs, I do not know how far those figures will be accurate because I know for certain that the same amount will never come, even if this House passes this motion for the sake of economy. But, Sir, I expect that certain undertakings should be given by Government.

With regard, Sir, to the income, the members of Honourable friend Sir Henry Gidney's constituency, who are in the Customs Offices, are receiving, I must tell him that the income has been reduced so much and the establishment cost has increased so much that now-a-days nobody can afford to speak in the tone that he has spoken. It may be that the Police Office is engaged on imposing fines, but certainly, Sir, the Customs Department that has brought about so much misappropriation, that has so much illegality to its credit and so much negligence, as has been shown, by its officers for the last few years, surely that Department cannot be allowed to have so much latitude for the sake of its Anglo-Indian officers. Sir, only a few days ago we came to know that certain revolvers and ammunition and cartridges, etc., were despatched from a foreign country like Germany or Russia and found their way to the toll office of the Customs Department in Calcutta through the negligence of its officers, who thus were instrumental in the smuggling of these revolvers which are the instruments of killing our I. C. S. men in Bengal if not in other

[Mr. K. Ahmed.]

places. Sir, the smuggling of revolvers and the smuggling of opium and cocaine have brought in very bad results and discredit to the Customs Department, and it is high time that qualified men, with experience of police methods, educated men having experience of C. I. D. work, should be recruited; otherwise, Sir, such nefarious smuggling will bring ruin to the case of Bengal administration—I do not know so much of Bombay, Karachi and other ports. Sir, I should ask the Finance Member to give a definite written direction to the Central Board of Revenue so that they might write to the Collector of Customs to be very very careful in the matter of future appointments and to consider all these matters, because, Sir, we are fighting here to save the Government and to bring safety to the country. It is scandalous that men should draw high and fat salaries and at the same time abuse their powers, with the result that valuable I. C. S. and other officers who work meritoriously and give their services for the good of our country should be saved from being done to death through the smuggling of arms through the customs in these days of difficulty. Now, Sir, on account of the negligence and unfitness of the Anglo-Indian officers, the Customs Department could not discharge their proper duty. I would not like to trouble the House with any other question except this that merit should be considered first of all the necessary qualification and not the other question of the communal right of their *pro tanto* percentage in the matter of appointment. With regard to the cut motion for Rs. 6,57,000 I ask the Government to be good enough to give certain undertakings to satisfy the Leader of the Independent Party and to satisfy particularly the elected Members that they will take certain steps to meet their request.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan): Sir, I have very great pleasure in supporting the motion moved by my friend Sir Abdur Rahim and I am only sorry that the Honourable the Finance Member did not immediately get up and accept his very reasonable proposals. I would not have troubled the House were it not for the fact that some Member of my Party got up and said that he personally dissociated himself from the motion moved by the Leader of the Independent Party, in that there was no party question in it. Well, Sir, I think it is a matter upon which non-official Members, and even the official Benches, know what was passing behind the scenes. When we set out our procedure for the purpose of wasting as little time as possible on the various cuts, all Members who were present and the representatives of all parties appointed a small Budget Committee to go into the various cuts. That Budget Committee drew up its list, and on Wednesday immediately after you adjourned the House, Members met and generally approved of the action taken by the Budget Committee. They did not certainly bind the Members to any individual cut, but there was a general approval that these cuts should be tabled following the lines of recommendations made by the General Purposes Committee. Various Members who have given notices of these cuts have consequently given notices upon the strength of the recommendations of the General Purposes Committee. I therefore submit that while Members are free to speak on the merits of any particular cut, they cannot repudiate the pact that was made by the non-official Benches for the purpose of economising time.

Having said this, I wish to very clearly point out that the Honourable the Leader of the Independent Party has been, indeed, much too

modest in demanding only a cut of Rs. 6,57,000. If Honourable Members will turn to page 31 of part II of the General Purposes Committee's report, they will find that from overtime and penalty the Customs receive a revenue of Rs. 12,35,000. out of which Rs. 6,47,000 out of the overtime and Rs. 3,39,000 out of the penalty realised, is paid to officers and the balance of Rs. 1,91,000 is spent in grants to various seamen's institutions. Now, what the Honourable Members of the General Purposes Committee recommended was that the payment of this last sum of Rs. 9,86,000 to the officers in addition to their pay for overtime and a share of the penalty was unjustified on two grounds. First, on the ground that they were whole-time officers and, secondly, upon the ground that these officers were well paid and in the present year of stress and national anxiety they should bear a certain proportion of the burden which falls upon every servant of the State. I submit that there is hardly anything to be said against the motion moved by the Honourable the Leader of the Independent Party. If I have understood the statement made by the Honourable the Finance Member on previous occasions in this connection aright, I understood his statement to mean this, that he is still exploring the further avenues for retrenchment and that the chapter of national economy is not yet closed. All that, therefore, we want the Honourable the Finance Member to do is to take into account the wishes of this side of the House that this item should be considered while dealing with the other factors on the subject of retrenchment. I submit that the Honourable the Finance Member's hands will be greatly strengthened by the vote of this House, and it is not merely for the purpose of making a cut on this or on other items of the Budget that we have tabled these motions. We are sincerely of opinion that there is a great room for further retrenchment, and it is in order to strengthen the hands of the Finance Department in their effort to make further retrenchments that we have tabled these cuts in a purely friendly spirit, with no desire to antagonise anyone on the Treasury Benches, but with the single purpose of strengthening the hands of the Finance and the other departments in effecting national economy. That, I submit, is our sole purpose and I have not the slightest doubt that the Honourable the Finance Member and his colleagues occupying the Treasury Benches will understand that that is our purpose and no other.

Sir, it is now quarter past three. I had hoped that, following the line of action that all Honourable Members had decided to take on Wednesday, we should be able, at any rate, to clear one page of the Agenda Paper. But unfortunately we are still on the first cut, and if Honourable Members express a desire, I should certainly ask the Honourable Members to place a curb upon their eloquence and see that all future motions are limited as to time for 10 minutes. I submit, Sir, that we must convert ourselves into a business House. Let us not repeat the lamentable spectacle which this House presented in connection with the Railway Budget, and I am sorry that I have to say so in such explicit terms today that we have wasted a greater part of today which we had reserved for formal business of moving economy cuts under the various heads of the demands. I appeal to the Honourable Members once more that these cuts were never intended to be debated upon at great length, or indeed at any length at all. The intention was that the speeches of the Members are contained in the report of the Retrenchment Committee, the facts are known to the Honourable occupants of the Treasury Benches and a formal motion by the authors of the cut would suffice for the purpose of justifying them.

[Sir Hari Singh Gour.]

I hope that that procedure will, at any rate, now be followed during the rest of today and tomorrow, so that we may be able to dispose of the business we have remaining in hand.

Several Honourable Members: The question may now be put.

Mr. President: I accept the closure. The question is:

"That the question be now put."

The motion was adopted.

The Honourable Sir George Schuster: Sir, in spite of the ruling which has just been given by my Honourable and learned,—I might almost say omniscient—friend, the Leader of the Nationalist Party, that there is nothing to be said in answer to the motion which has been moved by my Honourable and learned friend, the Leader of the Independent Party, in spite of that ruling, Sir, I am afraid I must ask the House to listen to what I have got to say. But, I hope, Sir, reciprocating what has fallen from the lips of my Honourable and learned friend, the House will appreciate that when I ask for the full amount of expenditure for which we have asked in the Demands for Grants, I do so in a perfectly friendly spirit. Sir, there is no malice in my attack on the tax-payers' pockets. I am friendly to every tax-payer, but I am afraid that I want his money. Sir, I have received a certain amount of support in the course of this debate, and I am grateful for the support whether it comes from the Benches opposite, from my Honourable and eloquent friend Mr. Ranga Iyer or from my right, from my Honourable and gallant friend Sir Henry Gidney, or from behind me, from my loyal "henchman" Mr. Nixon (Laughter). Who has indeed in all these engagements, in all these serious battles about retrenchment rendered to me the service of a true henchman, which is to stand by the side of his leader, to ward off blows which may fall on him and to deliver shrewd blows on his opponents. Sir, I will try to observe the directions which my Honourable friend the Leader of the Nationalist Party has laid down, namely, brevity in speeches on this subject. But I stand here to convince the House, if I can—and I am confident that I shall be able to do so,—to convince the House on its merits of the justice of the demand we are now making. The case is really a very simple one. There are, as Mr. Nixon pointed out, two main points of difference between the sum which we require and the sum which, if this motion were accepted, we should get. In the first place the recommendation of the General Purposes Sub-Committee was that there should be a general cut in establishment, allowances, etc., of 15 per cent., and we have felt that we cannot safely accept more than 10 per cent. That accounts for Rs. 2,85,000. And in the second place there is a difference between their recommendation as regards overtime fees and what we feel it fair to impose upon the staff. This accounts for Rs. 3,53,000. These two differences combined give us a total of Rs. 6,38,000 which is very near to the total amount of the cut. Now, in one respect, I think the way in which this cut has been put to the House is somewhat misleading. I should like to call the attention of Honourable Members to the summary which we have circulated, where they will find that under Demand 16 the recommendations of the Retrenchment Sub-Committee were for economies of Rs. 16,03,000. If they follow the table down to the bottom, and if they eliminate the increase in compensation and assignments due to the introduction of new arrangements for receipts of Cochin

Port of 9 lakhs, which of course is not an extra expenditure at all, if they eliminate that item, they will find that in fact even allowing for increments in pay and for certain new items of expenditure, we are actually reducing the Customs grant by 15 lakhs and 85 thousand rupees. That is only Rs. 15,000 short of the Retrenchment Sub-Committee's recommendations. I freely admit that in that total is included the sum for cuts in pay. But, I do think it is somewhat unfair, in judging of the effects of retrenchment, entirely to eliminate the effects of cuts in pay; because as the Retrenchment Sub-Committee themselves pointed out very early in their discussions, we must aim at retrenchment in two ways, partly by reducing the staff and partly by reducing the pay of the staff that we are retaining. I would put it to the House that an economy of practically Rs. 16 lakhs on a grant of about Rs. 96 lakhs is a very substantial achievement. Now, I feel it somewhat unfortunate that according to the order of priority which the parties in this House have adopted, we should have all these cuts on the revenue producing departments first. I feel it is unfortunate because—and I here put myself on the same side as my Honourable friends opposite—because I am anxious that the whole question of retrenchment should be fully reviewed by this House. But in connection with revenue collecting departments there are special considerations which apply, and it is really a very dangerous thing to carry retrenchment too far. I ought of course in a sense to be pleased that this order has been adopted because our case in defending our position is very much stronger as regards the revenue producing departments than it can possibly be as regards any other departments. In the latter you can, if you desire as a matter of policy, reduce the services which the Government are rendering. But in the case of the revenue producing departments, you are risking vast sums of money. Indeed if our proposals are open to criticism on any side at all, I definitely think that it is not on the side of inadequate retrenchment, for in the case of the Customs and the Income-tax Departments, we may be actually going too far in risking reductions of staff. Now, if I turn to the substance of the recommendations of the Retrenchment Sub-Committee, they have recommended what I am afraid I must describe as an entirely arbitrary cut of 15 per cent. I have found no explanation of why they hit upon exactly this figure of 15 per cent. In other cases, they have adopted different percentages, but in the Customs, as a matter of immediate judgment based on some sort of *a priori* intuition, they seem to have arrived at the conclusion that 15 per cent. is a fair amount. We, Sir, have approached the matter from the other side. We have approached it, if I may adopt the philosophical distinction, by empirical methods; we have gone down to the actual facts, considered our staff and considered what it would be safe to retrench. I would put it to the House that that is the only method which is safe when one comes to deal with a department of this kind; for it has a definite service to perform and we must not risk the efficient performance of that service. Otherwise, we shall defeat the whole object of the retrenchment campaign. Now, I have before me here a long note prepared by the Department going in very great detail into the various recommendations of the Retrenchment Sub-Committee. Obviously I cannot ask the House to bear with me in going fully through this note. But there are certain points to which I should like to call the attention of the House. To take practical example, the Sub-Committee, for example, made a recommendation that the net reduction among officers, taking Collectors and Assistant Collectors together, should be at least six. They said that

[Sir George Schuster.]

the Board's proposal to make a net reduction of three, that is to say, ten per cent., was not enough. They recommended six of the posts on their ideal percentage of 15 per cent. In the first place, I would point out that a reduction of six from a cadre of 35, which is the cadre, would be a reduction of 17 per cent. and not 15 per cent. I would point out; secondly, that in fact it is not correct to show that the reduction offered by the Board is three because the Board has actually proposed a reduction of five Assistant Collectors' posts partly counterbalanced by the creation of two new posts of Chief Accounts Officer. Now one Chief Accounts Officer is to replace the Pay and Accounts Officer at Calcutta, whose pay was formerly shown under Demand No. 37, and whose post was abolished from the first December, 1931. This officer's functions were indispensable functions and would have had to be assigned to an Assistant Collector of Customs but for the creation of the post of a Chief Accounts Officer. I merely mention that detail to show that, it is very difficult to give an exact picture when you take one grant by itself, because a good many of these grants hang together. Then again the pay of a Pay and Accounts Officer, and so of each of the two new officers is on a lower scale than that of the Imperial Customs Service, and also those posts do not carry various concessions. Allowing for all those differences, we reckon that each of these new posts is equivalent to only 2/3rds of one of the Assistant Collectorships which has been abolished. Following out that same precise arithmetical method of calculations, we find that against a cadre of five Collectors and 26 Assistant Collectors, plus two-thirds of an officer,—the figure I put in to represent one Pay and Accounts Officer,—from a total of 31, 2/3rds officers, the Board has proposed a reduction to a cadre of 5 Collectors plus 21 Assistant Collectors, plus 1, 1/3rd of an officer, representing two Chief Accounts Officers, a total of 27, 1/3rd officers which gives a net reduction of 4, 1/3rd officers, or nearly 14 per cent. of the original staff of officers. I merely mention those figures to show that if there is any virtue in the particular figure of 15 per cent., if we really follow out what we have done, we have got very near to it. In the case of officers, we have in fact made a reduction of 14 per cent. That is really as far as we think it is possible to go. If another Assistant Collector were to go, which would bring the total up to 17 per cent., he would have to be taken from Madras. Now, we cannot take him from Madras at present until we have had time to gauge the extent of the extra burden that the Collector there will have to bear as a result of our decision to abolish the post of Collector of Salt Revenue and make the Collector of Customs the head of the Salt Department. That brings up another connected point which of course is not quite clear from studying this grant by itself.

Now, Sir, I must apologise to this House for having gone into these details, but really until you go into the actual staff in this way it is impossible to say whether you can effect a 10 per cent. reduction or a 15 per cent. reduction, or any other figure that you like to take. I would put it to the House that we have gone most carefully through the whole position; we have endeavoured to meet the recommendations of the Retrenchment Sub-Committee as far as we possibly can, and we have gone a great deal further than our own departmental officers have advised us that it was safe to go. And I would ask the House to treat this matter,—in a sense perhaps it is a small matter but this discussion is typical of

what all the other discussions will be, particularly in matters connected with revenue departments,—I would ask every Member of the House to weigh very carefully the action that he will take before he commits himself to a line of action which I maintain would be one designed to force the Government into courses which are really unsound and really contrary to the public interest.

A good deal has been said by my Honourable friend Mr. K. Ahmed about certain expectations and undertakings that he might get from me. I do not know exactly what my Honourable friend had in mind. But I can give him this undertaking—that although I stand here now and say that this is the minimum demand which we feel we can safely put before the House in the present circumstances, that is not, as I have said to the House on many occasions, our last word on the subject. We do not regard this as the sum and end of our attempts to achieve economy. We have got to go on making efforts as long as the present economic conditions remain, not merely in order to effect further reductions but in order to keep where we are. I would remind the House that we are not like a man standing on a pavement who if he stands still remains where he is; we are standing on a sort of moving platform, and unless we actually move backwards we are bound to go on moving forwards as regards expenditure, because we have to face every year this automatic increase owing to the increments of pay; and we shall certainly require an effort, as I say, not merely to reduce expenditure but to keep it at its present level. That effort, I assure the House, will be made, but I ask them not to force Government now beyond what we consider after the fullest possible consideration to be safe.

Then, Sir, I hesitate to weary the House with any further discussion of this question of overtime pay. But I would just like to put before them exactly what is the position of one of these officers who is entitled to overtime pay. We are informed that owing to the decline in business, the average rate that any man will get from these overtime fees will be reduced by considerably more than 30 per cent. The Board has actually cases of one class of men whose average earnings from fees have declined from Rs. 70 over the last three years to Rs. 37 in the current year. Now, Sir, if the House will consider the position of one of these men, it is this. Supposing his pay is Rs. 300 and he can expect from overtime Rs. 70, he loses in the first place his cut of 10 per cent. on his pay of Rs. 300 which brings him down to Rs. 270. Then instead of getting Rs. 70 on his overtime fees he actually gets Rs. 37, which brings him down to Rs. 307. Then on top of that his Rs. 37 is subject to a further cut of 10 per cent., so that he goes down to about Rs. 303 as against his former expectation of total emoluments amounting to Rs. 370. Now, whether it was right originally to allow the whole of these overtime fees to persons who were doing the work is a question for consideration. But what the House has got to realise is that these were the definitely accepted conditions of service, and I maintain that to make deductions in that form of remuneration is exactly the same and on exactly the same basis for those who have engaged to serve on those terms as to cut their pay. And owing to the decline of the amount of fees which have been received, these men are very much worse off now,—they have suffered much greater deterioration in their conditions than any other class of Government servants. I think it is important to realise those facts. There is another point in connection with these overtime fees of which I want to remind the House, although

[Sir George Schuster.]

the point was made by my Honourable friend Mr. Nixon in his speech. I want to put before the House that even if we were to accept the whole principle of this cut motion, we could not possibly achieve the economy of 6½ lakhs which it purports to impose upon us, because in their calculations the Retrenchment Sub-Committee have relied on getting Rs. 5,88,000 out of a change in the method of distributing overtime fees. But unfortunately the amount that we are receiving in overtime fees has declined very considerably and we could not possibly make this saving out of adopting their principle. Mr. Nixon has pointed out that that is made clear in the general summary which we have circulated, and that we have already included in economies Rs. 2,12,000 owing to this decline in the amount of fees which we can collect. So that, in any case on this principle, the cut as it stands is an impossible one.

I have said that my Honourable friends who sat on this Retrenchment Sub-Committee were acting on an arbitrary principle in selecting 15 per cent. as the proper measure of saving. I should like to read to the House one passage from their report; they say:

"The Board has offered to effect a 10 per cent. reduction in establishments; we do not consider this offer adequate in the case of this department."

And then they go on—and this is the sentence to which I wish to draw the attention of the House:

"India's overseas trade, both import and export, has declined appreciably."

I do put it to the House that in the first place that is really a misleading statement. The value of India's trade as we all know has declined appreciably. In fact as I pointed out myself in my Budget speech, it is but a bare half of what it was two years ago. But the volume of trade has not declined in anything like the same proportion, and even if it had it would be quite impossible for us, and entirely unjustifiable for us to try and regulate the extent of our Customs staff according to temporary fluctuations in the volume of trade. We cannot follow cycles in trade, up and down; we cannot deal with a staff of a department like the Customs Department on this basis; and of all that stands in that report, that one sentence seems to me to be the most misleading. "The volume of India's overseas trade has declined appreciably." I take an entirely contrary view. India's trade, like the trade of every country in the world, is suffering today; but India's trade is, if you take a long period of years, on a clear upward grade, and we can look forward to an increase in India's trade in the future. We have enormous irrigation schemes such as the Sukkur Barrage scheme which is coming to fruition; that alone may make an enormous difference in the volume of India's exports and consequently in the volume of India's imports. We are on the upward grade and one of the dangers against which we must most carefully guard is, lest under the influence of a temporary depression, we may cripple permanently the public services of this country. Sir, anxious as I am for retrenchment, that nightmare, if I may so call it, is always before me that in order to meet this temporary need we may do irreparable injury to the whole of the Government services in this country. We have tried to keep the balance fair; and I put it to the House that in these Demands—this Demand of the Customs Department—we have struck a fair balance, erring if at all on the side of going too far to meet my Honourable friend's recommendations.

I will not take any more time of the House. I trust that they recognise that I speak with sincerity on this matter. I trust that they recognise that if I had more time I could have made out an even more convincing case to them, and I trust also that they recognise that if I stand here now and say that we cannot go further today, it does not mean that I am in any sense weakening in my determination to do all that I can to promote economy and retrenchment. If they recognise that, I think that every Member of this House can feel that he can vote against this motion without in any sense putting himself on the side of those who fail to recognise that economy in public expenditure is the most vital interest of India today.

Sir Abdur Rahim: Mr. President, I do not think it was necessary for the Honourable the Finance Member to make any long speech against the motion that I put before the House, as he is sure of considerable support from a section of the Nationalist Benches. Mr. Ranga Iyer has made his position, and I believe the position of some other Members of his party, quite clear upon this motion. He is entirely opposed to the principle on which this and other motions are based, and if I understand his attitude aright, although he is in theory entirely for economy in the administration, he is not going to support any specific proposals for economy. If that is the proper attitude taken up by a section of the Nationalist Party

Sir Hari Singh Gour: I wish to point out to the Honourable Member that there is no justification for saying that that is the view of any section of the Nationalist Party. My friend, Mr. Ranga Iyer, made it plain that that was his personal view; and he is entitled to give expression to his personal view; but to impute that view to any section of the Nationalist Party is unjustifiable by anything that Mr. Ranga Iyer has said this afternoon.

Sir Abdur Rahim: Mr. Ranga Iyer is the Vice-President of the Nationalist Party, and I take it that when he speaks, he does speak at least for a section of that party; otherwise he would not have occupied the position of Vice-Leader. Further, he read out a statement which was supported, he said, by at least several members of his party, that the arrangement was not to the effect that there will be general support from his party, but that every one will be entitled to say what he has to say on the several motions and vote as he likes. If all that has any meaning, that means that the Honourable the Finance Member and the Government have considerable support in the Nationalist Party against any motion for economic cuts. In fact Mr. Ranga Iyer said that he does not care for any economic cuts when the censure cut was not moved. Whose fault was it? What censure cut was not moved? As regards the Ordinances, a motion was moved and we gave it full support; but is that any reason, whatever may have happened, why this question should not be dealt with on the merits? But as I have said, the position now is that the Nationalist Party as a whole is not going to support us on these economy proposals.

Sir Hari Singh Gour: I wish, lest there should be any misunderstanding on that point, to assure my friend, Sir Abdur Rahim,—and I have the authority of my friend, Mr. Ranga Iyer, to say—that his statement was purely personal to him and was not made by him as a representative of the party.

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LEGISLATIVE ASSEMBLY.

[18TH MAR. 1932.]

Mr. B. Sitaramaraju: Can you speak for your party?

Sir Hari Singh Gour: I can.

Mr. B. Sitaramaraju: Can you?

Sir Abdur Rahim: If my Honourable friend Sir Hari Singh Gour was so sure that that was not the attitude of his party or of any section of his party, one would have expected that when Mr. Ranga Iyer was speaking he would have got up and corrected him and said that that was not the attitude of any section of his party but only the personal view of Mr. Ranga Iyer himself.

As for Mr. Ranga Iyer, we all know him and I need not point out that there are many Members of the House who would not take him seriously on this or any occasion at all. He has made his position quite clear as to these Committees and their reports. He told us on a previous occasion that he threw the report of the General Purposes Committee into the waste-paper basket; he never read it and never intended to read it; and I suppose he has done similar honour to the second report of the General Purposes Sub-Committee. After that to expect.

Mr. C. S. Ranga Iyer: On a point of personal explanation, all that I said on that occasion—and if the honourable gentleman refreshes his memory he will find it—was this, that I did not believe in reading reports distributed to us in driblets; I wanted to read them all together.

Sir Abdur Rahim: Did not the Honourable Member say that it ought to be consigned to the waste-paper basket? If he reads through his speech again he will find that he did say that. Anyway, Sir, I shall now come to the merits of the proposal before the House, but having regard to the attitude taken up by the Vice-Leader of the Nationalist Party, we do not propose to press this motion to a division.

Now, Sir, as regards the reduction of 15 per cent. in the Customs establishment, our justification was that there was a considerable decline in the volume of trade, and this was admitted by many witnesses who appeared before us, in fact some of the official witnesses who were questioned on the point said that it would take some years,—some said five, some said seven years, before we could expect a trade revival. Under those circumstances 15 per cent. reduction in the establishment could not be said to be too much. The Honourable Sir George Schuster has not told us that the volume of trade has not declined by 15 per cent., it has declined much more. These are the figures:

1929-30, it was 22 crores 93 lakhs and odd.

1930-31, it was 14 crores 49 lakhs and odd.

1931-32, it was 10 crores 93 lakhs and odd.

The Honourable Sir George Schuster: Would the Honourable Member inform the House what figures he is reading?

Sir Abdur Rahim: I am reading from the summary of table showing the value of imports and exports and of the total exports for each month. This is from the accounts relating to the sea-borne trade and navigation of British India.

The Honourable Sir George Schuster: But these are figures of the value trade. If I might be permitted to do so, I should like to make one point clear. I fully admitted,—in fact it was the main theme of my budget speech—that the value of trade had fallen by about a half. In the speech which I have just made, I drew a distinction between the value of trade with the volume of trade. As to the latter I may perhaps give my friend some figures which I intended to give the House in my speech. The total number of bills of entry and shipping bills handled at all ports in 1930-31,—that is to say the last year for which we have figures,—and it was a very bad year,—was 1,319,767 as against for 1926-27, which was one of the biggest years of trade for India, 1,341,393. That is to say, there was a decline of only 2½ per cent. in the total number of bills of entry and shipping bills handled at all ports. I think that gives a fair idea of the position as regards the business of the customs officials, and it shows that there has not been any sensational decline.

Sir Abdur Rahim: I ask my friend if the decline in volume could have been only 2 per cent. while the decline in value has been 50 per cent.?

The Honourable Sir George Schuster: Certainly it could. But the reason why there has been this fall in value is a question to which I too would like to know the answer.

Sir Abdur Rahim: As regards the Central Board of Revenue, they themselves recommended 10 per cent. My friend complained that we applied a higher figure to this department, but he will find that we did not have and could not have a uniform percentage for all departments. We had to look into the case of each department before suggesting how much should be reduced.

One general remark made by my friend was that the revenue collecting department should be treated on a different basis. In fact, in the summary that has been supplied to us, the position of the Finance Department is stated in this way:

"This second report covers the cost of collection of revenue in the Customs, Salt and Opium Departments, the expenditure on the Secretariat departments, expenditure on Ports and Pilotage and Lighthouses which is wholly or partly covered by receipts, the operations of the currency and mint departments, all of which are fields in which retrenchment by the elimination or reduction of particular activities is not possible to the same extent as in the scientific and research departments of which the activities can be temporarily suspended or restricted without grave risk to the efficiency of the administration."

That has been the attitude of the Finance Department throughout. Their view is, cut out as much as you can in the Education, scientific and research departments, but do not make any cuts in what are called the revenue collecting and administrative departments. That is a position we could not accept. It was rather amusing that only the other day my friend Sir Fazl-i-Husain came in here and protested in the presence of Sir George Schuster that we were cutting all the scientific departments, departments to which popular opinion attached great importance. Now, what is the exact position of Government? If we handle the Education, Health and Lands Department and say that here there is too much of administration instead of real work, and therefore the superfluous officers should be reduced, they say—"Oh, you are going against public opinion". If we deal with the administrative departments and say that

[Sir Abdur Rahim.]

they do not want so many officers, then they say, "Oh, this is dangerous to the entire administration". On this point, I shall read a reference in the General Purposes Sub-Committee's Report to the evidence of the Public Service Commission, and this is what I think Mr. Nixon referred to:

"What is clearly needed is greater reliance on the sense of responsibility of the various units of administration. This view of the position is confirmed by such an eminent body as the members of the Public Service Commission in their replies to our questionnaires. They say:—'In most matters of importance with which the Public Service Commission deal it appears to them, as far as we can ascertain, that after the matter has been most elaborately considered by the 5 Members of the commission, it is considered *ab initio*, in the Government offices'."

That is the sort of procedure we protested against, and yet we find that in the whole of the Secretariat, so far as I can gather from the summary that has been supplied to us, very little of our proposals have been accepted so far as officers are concerned. We however formed a very clear conclusion that in the administrative departments of the Secretariat and other administrative departments under the Government of India if Government could reduce a great deal of the noting that goes on, the expenditure could be reduced considerably. Sir, the opinion of the Public Service Commission must be respected, and the same opinion was given by a number of persons holding very responsible positions and who knew what they were talking about. The same observation applies in the case of non-official committees and commissions. Is it not a fact that so many commissions and committees are appointed and afterwards all their labours are thrown away? Look at the constitutional inquiry that has been going on for the last four or five years, with what result? We do not know in fact whether any result whatever has been achieved so far. These are some of the directions in which economies can be effected. All that we can at present do is to ask the Finance Member and other Members of the Government to reconsider the position, because I do not think that the Government or the country is yet out of the woods. We do not know what the real financial position is. The financial difficulty must continue for some time, is bound to continue for some time, and therefore I ask with all the emphasis that I can command, whatever may be the result of the voting, if there be voting, on this motion, that the Government will go on steadily with retrenchment and economy. (Applause.)

Mr. President: The question is:

"That the Demand under the head 'Customs' be reduced by Rs. 6,57,000."

The motion was negatived.

Mr. President: The question which I have now to put is:

"That a sum not exceeding Rs. 60,34,000 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, 1933, in respect of 'Customs'."

The motion was adopted.

THE GENERAL BUDGET—LIST OF DEMANDS.

DEMAND No. 17—TAXES ON INCOME.

The Honourable Sir George Schuster: I beg to move:

"That a sum not exceeding Rs. 79,21,000 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, 1933, in respect of 'Taxes on Income'."

Sir Abdur Rahim: Our Party Members will not move any of these cuts

Mr. President: Order, order. Motion moved:

"That a sum not exceeding Rs. 79,21,000 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, 1933, in respect of 'Taxes on Income'."

On that motion there is an economy cut motion* from Mr. A. Das.

Mr. A. Das (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): In view of the representation made by the Leader of my Party that the members of the Nationalist Party are not going to support the cut motions, I do not think it is necessary to move any cut motion at all.

Mr. President: The Honourable Member does not wish to move his motion?

Mr. A. Das: I do not wish to move it.

Mr. President: As the Honourable Member does not wish to move his motion, I put the original motion to the vote. The question is:

"That a sum not exceeding Rs. 79,21,000 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 March, 1933, in respect of 'Taxes on Income'."

The motion was adopted.

DEMAND No. 18—SALT.

The Honourable Sir George Schuster: I beg to move:

"That a sum not exceeding Rs. 71,42,000 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, 1933, in respect of 'Salt'."

Mr. Muhammad Azhar Ali: I do not move my cut motion.†

Mr. B. N. Misra: I do not move my cut motion.†

Mr. President: The question is:

"That a sum not exceeding Rs. 71,42,000 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, 1933, in respect of 'Salt'."

The motion was adopted.

*"That the Demand under the head 'Taxes on Income' be reduced by Rs. 1,50,000."

†"That the Demand under the head 'Salt' be reduced by Rs. 1,86,000."

DEMAND No. 19—OPIUM.

The Honourable Sir George Schuster: I beg to move:

"That a sum not exceeding Rs. 69,90,000 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, 1933, in respect of 'Opium'."

The motion was adopted.

DEMAND No. 20—STAMPS.

The Honourable Sir George Schuster: I beg to move:

"That a sum not exceeding Rs. 13,24,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Stamps'."

The motion was adopted.

DEMAND No. 21—FOREST.

The Honourable Sir George Schuster: I beg to move:

"That a sum not exceeding Rs. 4,93,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Forest'."

Mr. B. V. Jadhav: I do not move my cut motion.*

Mr. President: The question is:

"That a sum not exceeding Rs. 4,93,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Forest'."

The motion was adopted.

DEMAND No. 22—IRRIGATION (INCLUDING WORKING EXPENSES), NAVIGATION, EMBANKMENT AND DRAINAGE WORKS

The Honourable Sir George Schuster: I beg to move:

"That a sum not exceeding Rs. 2,45,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Irrigation (including Working Expenses), Navigation, Embankment and Drainage Works'."

The motion was adopted.

DEMAND No. 23—INDIAN POSTS AND TELEGRAPHS DEPARTMENT (INCLUDING WORKING EXPENSES).

The Honourable Sir George Schuster: I beg to move:

"That a sum not exceeding Rs. 10,67,90,000 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, 1933, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'."

*"That the Demand under the head 'Forest' be reduced by Rs. 1,25,000."

Mr. N. M. Joshi (Nominated Non-Official): I propose, Mr. President, to oppose this motion of the Honourable the Finance Member. My reason for opposing this motion is that the Posts and Telegraphs Department have made retrenchment on a very wrong principle. Sir, the Retrenchment Committees appointed by the Government of India decided that in order that there should be some saving in their expenditure, salaries of their employees receiving more than a certain number of rupees should be cut down, but in the case of the Post Office as well as some other departments like Railways and other departments having factories, the Government of India did not observe this rule. They decided that in this department, which is regarded as a commercial department, the salaries of people should be cut down irrespective of what minimum they receive. Now, Sir, I consider that a very wrong principle, because if Government wanted to save money by cutting down the salaries of people it is absolutely necessary that people getting a certain minimum should be saved from the cut, because these people have absolutely no margin for saving, and I therefore feel that the Assembly should not grant this Demand. If the Government of India accepted the principle for the employees in other departments, that people with certain minimum salaries should be free from the cut, I do not know why the postmen should have been excluded from this benefit. I cannot understand the argument that the Postal Department as well as the Railways are commercial departments. If they are commercial departments, the best thing is that they should proceed on the best commercial principle. I quoted yesterday the principle laid down by Henry Ford, and if your department is not doing well financially and if there is a depression, the worst method that people should follow is to cut down the wages of the people. This is the principle laid down by Henry Ford, a commercialist and an industrialist. Therefore the right principle for a commercial department is not to cut down wages of the lowest paid. I therefore feel that this Demand should not be granted.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): It would not have been necessary for me to rise on this occasion but for the observations made by my Honourable friend who represents labour. He has said that the whole grant should be refused. Does he mean to say that we should no longer have Posts and Telegraphs in India? We appreciate the motive with which my Honourable friend acts on behalf of labour. We also feel for labourers. My Honourable friend must remember the dire economic distress to which the country has been reduced at the present moment. When you talk of labour, you only talk of highly paid labourers whose income is, say, Rs. 500 a year or Rs. 1,000 a year. Now we know and my friend also knows the sort of life that is led by the poor agriculturists in the villages. At present they have been thoroughly ruined. A family consisting of five or six members can hardly get one meal a day and their income is not more than Rs. 3 or 4 per month and on this they have to maintain themselves. If we find that the agriculturists, who compose more than 80 per cent. of the population, live on this small pittance, I do not think, anybody, whether he be a labour leader or commercial magnate, can censure the Government for a cut that may be made in the wages of their labourers. I know that the champions of labour act from disinterested motives, but they do not belong to the labouring class. They are well dressed and well fed men, and some of them get Rs. 100 a day for pocket money.

Mr. N. M. Joshi: I have no pocket money for myself.

Mr. Amar Nath Dutt: It is praiseworthy that people getting Rs. 3,000 should feel for the lot of the man getting Rs. 30 or 50 a month. I appreciate the noble motive, but I would ask them to look at the condition of the country. The agriculturists are ruined. The medical practitioners and the lawyers have got their incomes reduced by at least 50 per cent. District court lawyers, who used to earn ten to twelve thousand a year do not now earn even four or five thousand a year. People cannot afford to call qualified medical men in their homes, but take their children in their arms to the dispensary. That is the condition in the country. I hold no brief for the Committee, and it will not be proper for me to do so, but I trust that in order to keep the department itself living, my friend will not oppose this motion. There are two alternatives before us. One is to abolish the Postal Department because the Government cannot go on working the department at a loss. The ordinary expenditure of the Postal Department is 12 crores, while their income is 10 crores and the income is going down. So we cannot expect that the Government will maintain the department in order to give us the luxury of communicating with our friends and relations. There are two alternatives before the Government. Either to retrench the men or to retrench salary. Sir, none of us would like that men who, after passing the B.A. or B.Sc., entered the Postal service on Rs. 60 a month should now be thrown out of employment, after having been in the Department for some years. To ask them to get out at this stage and seek other avenues of employment is very hard indeed and I ask what is the prospect before them? Sir, we all know the enormous difficulties at the present moment of getting any job; so I would suggest that instead of championing the cause of labour, which will really not do them any good, let us be more reasonable. We won't ask the Government, Sir, to retrench a single individual; I am against that procedure; and if there has been any retrenchment of men, I strongly oppose that, because I do not think that a single individual should be retrenched and thus be deprived of his bread. It is far more humane to retrench salaries than retrenching men; by retrenching men you make them and their families starve while allowing others, the unre-trenched men, to enjoy fat salaries. Sir, in this connection I may relate a story. On a journey to Bombay I met one young man drawing a salary of Rs. 200. I wanted to know his exact views on the retrenchment operations. Sir, he almost came down on his knees and said, "Pray, do not retrench a single individual. Look here, I am drawing Rs. 200 a month. Do you mean to say that if you cut out 25 per cent. of my salary and thereby saved the axing of some other man, I would mind that so much? Of course it is fortunate that I have got an appointment on Rs. 200 a month; but if I am now suddenly thrown out in the streets, I might not get even Rs. 50 a month or possibly any appointment at all. So it is far more equitable all round to retrench salaries howsoever heavily, rather than to retrench individuals with dependents". So I would ask those of my friends who really feel for labour and for their countrymen to ponder over this aspect of the case calmly and let us all advise Government not to retrench a single individual but to retrench men's salaries.

Mr. E. F. Sykes (Bombay: European): Sir, I was listening with very great interest to Babu Amar Nath Dutt's speech. I am quite sure that

if I had had an opportunity on Wednesday of moving the motion that stood in my name, I should have had his support. I may now read it out to him:

"Failure of the Government to adopt the policy of reconciling the rates of pay to the low cost of living."

Sir, I must also express my gratitude to Mr. Joshi for opposing this motion, because it did not appear to me that it was a motion on which a discussion of this kind would be germane, but as you have permitted his observations and those of Babu Amar Nath Dutt, I see no reason why I myself should not contribute to a discussion of the whole question. This, Sir, is a very important question, and it is one

Mr. President: The question before the House is that a grant be made for the Posts and Telegraphs Department, and anything arising out of that is relevant and nothing else.

Mr. E. F. Sykes: Or also arising out of the speeches delivered by Members?

Mr. President: They were perfectly relevant because they were dealing with employees of the Posts and Telegraphs Department.

Mr. E. F. Sykes: Sir, Mr. Joshi's point was that he opposed the motion for a grant to the Posts and Telegraphs Department on the ground that the Posts and Telegraphs Department had made undue retrenchments in the pay of their servants. (Mr. N. M. Joshi: "In the pay of postmen.") Exactly, I am quite prepared to accept the limitation that Mr. Joshi suggests. Now, Sir, this matter was considered very early in the proceedings of the Retrenchment Committees and they came to certain decisions, and the Government also adopted certain decisions, but the curious thing is that in this large volume in which are reported the recommendations of the Committees and the Government's orders on them, there is no reference to the terms of these reductions. You will find under each head a lump sum shown at the end, "Cuts in pay". Now I take it from Mr. Joshi that there is a cut in the pay of the lowest-paid man. I believe Government accepted the recommendations of the Committees that dealt with this subject and made a reduction of 3½ per cent. of pay. Mr. Joshi considers that that is excessive. Now the department to which my Honourable friend refers is not the only commercial department concerned, and Mr. Joshi will possibly be interested in the views of the Railway Retrenchment Committee. (Mr. N. M. Joshi: "I am not at this stage interested in railway men but only in the postal men for my present purpose.") That Committee, Sir, said:

"The next question that arose was whether the cut should be uniform or graduated. It can be argued that present circumstances have already hit the higher paid classes harder. The increased taxation, both direct (like income and super taxes) and indirect (like customs duties), has very considerably reduced not only their net income but the purchasing power of that income; and the fall in the price of foodstuffs has affected them but little as expenditure on food forms a relatively small part of their total cost of living. Nevertheless we felt that it was reasonable to maintain that the higher the pay, the more the margin of surplus of income over expenditure and the less the hardship inflicted by a cut. We therefore came to the conclusion that the cut should begin with half an anna in the rupee on incomes of Rs. 30 and under and progress gradually."

Sir, some people might say that they see in those remarks of the Retrenchment Sub-Committee a failure in logic. Perhaps some do not. But I submit that if there is any failure in logic in their recommendations, or in the measures taken by Government as a consequence of those

[Mr. E. F. Sykes.]

recommendations, there is equally a failure in logic in the process by which, when prices rose after the war, the scales of wages were correspondingly increased. However, no one is entirely guided by logic, and I think that the argument of Lala (Laughter) Amar Nath is much to the point. (A Voice: "Babu.") I beg your pardon, Babu Amar Nath Dutt—I thought he was a Kayasth. (A Voice: "He is.") Sir, Babu Amar Nath Dutt's argument is very much more relevant. My Honourable friend drew a comparison between the remuneration of persons engaged in agricultural operations and contrasted that with the earnings of postmen whose wages we are at present discussing. His view was that, so far from it being a matter of reduction by $3\frac{1}{2}$ per cent., it was much more a reduction by 80 per cent. that they were suffering from. As to the exact percentage by which the agricultural labourer is worse off; I do not propose to detain the House this evening with a discussion on that subject or with any attempt to estimate closely, but if only, Sir, you observe the falling off in customs, in excise and in railway revenues, you will perceive very clearly that the agriculturist must have had a very considerable reduction in resources, which reduction is not such as can be measured by $3\frac{1}{2}$ per cent. of his sources. Now, Sir, the Government have apparently accepted the recommendations of the Retrenchment Committee in this matter, but I have not noticed that they have been extraordinarily anxious to defend the recommendations or their acceptance for them. On two occasions I have raised this question. I raised it on the general discussion of the Railway Budget and the subject was carefully avoided by the Member in charge. I raised the subject again on the general discussion of the General Budget. It was equally avoided then. I tried to raise the point subsequently by means of a question put to the Government on the subject of the wages which they were paying in Delhi and which were being paid in the same place by other employers. Now, Sir, a very remarkable thing has happened. A fortnight elapsed between the time I put in my question and the time when it was answered and the Government were unable to obtain any information on the subject. The Government here are in effect the Local Government. They have a very large staff

Mr. President: The Chair sympathises with the Honourable Member in the grievance which he seems to have, but the Chair should like to ask him whether he is supporting the motion or opposing it. If he is, doing either of the two, then the relevant observations would be to state his reasons why he is supporting the grant or opposing it?

Mr. E. F. Sykes: I am opposing the grant because the reduction of wages referred by Mr. Joshi is entirely unreasonable and it is one that the Government themselves, as I have shown by instances, are not in the least anxious to defend. Therefore, I am prepared to come to Mr. Joshi's assistance and oppose this grant.

Mr. Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadan): Sir, I have much pleasure in supporting the motion of Mr. Joshi. It is for various reasons that I am compelled to take this step. It is not in the words of Mr. Amar Nath Dutt that I am opposing this grant, but it is because this is a department for which I have the highest respect among the various departments of Government. Sir, our grievances on this score

fall under various heads, and it is time that we ventilated them on this occasion which has come rather suddenly. Well, Sir, we may just as well recognise the solid fact that the post office is one of those departments that comes into contact with the life of every citizen, be he in a town or be he in a village. The postman is one of those ubiquitous officers of the Government who reaches every far away nook and corner of the country and who at times carries messages from friends and relations to most inaccessible corners of the country. Sir, one of the biggest monopolies enjoyed by the State is under the head of the post office, and I am glad to say that it is one of the most efficiently run departments too. Every one will be thoroughly justified in paying his tribute of respect to the unfailing performance of duty by the postman who goes from door to door both in a village and in a town. He does his work in all kinds of weather and under all sorts of difficulties. Sir, Mr. Joshi's sympathy with the postman is certainly not misplaced. If he stands up for labour, then the postman is the person who deserves the respect and the sympathy of every one. Now, Sir, what is the treatment that has been meted out to this postman? Well, Sir, he has suffered because there are so many of them who draw in small amounts a large sum from the exchequer. I will put my proposition shortly. The position is that in other departments a limit has been placed at Rs. 40 below which the retrenchment axe cannot be operated. But there are two exceptions to it, one is the Postal Department and the other is the Railway Department. What is the reason for doing so? It is not that the people in these departments who are getting less than Rs. 40 have other means of making money and therefore you are at liberty to cut away their salaries. That is not the reason. In the Postal Department there is not the least possibility of a man having any extra income, but there is every possibility of getting extra kicks. The point is that the small salaried people in the Railways and the Postal Department are so many and the amount of their salaries runs into so many crores that there is an obvious temptation that by cutting off a few annas in the rupee, the retrenchment comes to several crores. Now, Sir, that is not justifiable. Sir, if I may say so, the argument should be put in another way. People drawing higher salaries could produce by retrenchment probably a far greater saving without affecting such a large number of people than has been done by this economy campaign in the Postal Department.

Mr. Amar Nath Dutt: On a point of explanation, Sir. May I tell my Honourable friend that the salaries of officials in the Postal Department is only 51 lakhs whereas the pay of others comes to eight crores and by abolishing the whole lot you do not touch the fringe of the problem, viz., the deficit of two crores.

Mr. Jagan Nath Aggarwal: The explanation supports my argument. I am much obliged to my friend for these figures. Sir, I should like to know the justification for not leaving these postmen alone? I put a charitable construction on it, that the reduction of salaries of these people will bring a large sum of money and the Finance Department or the Retrenchment Committee could not forgo the temptation or the prospect of making a huge saving by a cut on salaries under that head. Well, Sir, if that is so, I am sure some means could have been found for not encroaching upon the paltry salaries of these people. Our tale of grievances, however, does

[Mr. Jagan Nath Aggarwal.]

not end here. If the pay of the humble official of the post office, who is doing his duty so well, is going to be cut, how does the public get the benefit of this retrenchment? You pay more and you get less. The postal rates against the wishes of this House have been enhanced to a figure which they never reached in the history of this country. For the mere pleasure of writing a letter to somebody you have to pay not half anna or an anna, but you have to pay an anna and a very inconvenient fraction of 3 pies. And for the privilege of writing a postcard and what man in this land has not got to write a postcard just as a means of salutation or of remembrance from one part of the country to the other—you have got to pay not one pice or 2 pice as it was last year but 9 pies. The public has got to pay an exceedingly large figure—something like 25 to 50 per cent. more—for using the services of this public utility department, the pay of the employees of which is going to be so ruthlessly cut down. So, there must be something radically wrong with this department. I feel, Sir, that that is the grievance which my friends have been ventilating on more than one occasion that the campaign of economy has started at the wrong end. If you look at these reports, then the inevitable conclusion you come to is: 500 men in the lower grades turned out and part of their salaries taken away. As you move upwards the scale of retrenchment grows less and less till you find that very near the top just one man moved from one place to another. That I submit is the real explanation of this discrepancy we have. The public have got a lot more to pay in services than before. The public have to use the public utility services. The faithful and humble employees of the department have got to work day and night and they get their emoluments cut down. I think there is certainly something wrong in all these matters which requires much more careful looking into and an examination from a different angle than has been done hitherto. Realising that this department cannot be put an end to as somebody suggested, nor is it possible to upset this department by bringing something else in its place, and realising the great utility of this department, I submit that the way in which we have treated it in the matter of retrenchment, etc., is certainly not the proper way. I have therefore much pleasure in supporting the motion of Mr. Joshi.

Mr. S. G. Jog (Berar Representative): We are practically reaching the fag end of this evil day. I say, Sir, evil day for various reasons. We have moved today throughout in an atmosphere of mutual distrust and we have also moved in an atmosphere of non-co-operation. I never thought for a moment that the Independent Party under the able guidance and lead of an able administrator and sportsman like Sir Abdur Rahim would have taken recourse to a spirit of non-co-operation.

Mr. President: What has that to do with this motion? The Honourable Member should come to the point at once.

Mr. S. G. Jog: The object of my rising is that we want to discuss all motions on their merits. It is quite immaterial whether one Member of a Party brings a cut or whether...

Mr. President: The Honourable Member must speak on the motion.

Mr. S. G. Jog: Coming to the motion, I have great pleasure in supporting my Honourable friend Mr. Joshi; and of all the departments, if I have got regard for any one, it is for the Postal Department. For the last two years, I have come in contact with the grievances of the Postal Department, and I have no hesitation in saying that their grievances are real. As pointed out by my Honourable friend, Mr. Aggarwal, of all the departments, the Postal Department has suffered most. The Government has made an invidious distinction in not making sufficient provision in the case of Postal employees drawing less than Rs. 40. There is a maxim in Sanskrit which I should like to repeat to the House and which runs:

“*Daivo dhurbala gathaka*”.

When translated it means, “God or luck or fate generally goes against the weak”. Employees of the Postal Department, who toil more than others and who take such great pains to deliver your letters in time and do all sorts of things for you, are not properly treated. It is a matter of great regret to me that the wicked hand of retrenchment should fall on the postal employees. Last year when I made a speech on this subject, I brought it to the notice of the Postal Department that their decision would not receive the approval of the public at large. My Honourable friend, Mr. Amar Nath Dutt, having been in the Retrenchment Committee, has got the Government view now, and instead of leaving the Government Members to defend the policy of retrenchment, is now supporting the Government and taking the Government view. I quite see that he may have his own reasons for making some retrenchment proposals, but we must also express our view, and I should bring to his notice that the retrenchment proposals which he has made have not received the public approval. I think it is time that Government should reconsider their decision as regards the cuts, and they should exempt the low-paid employees from the operation of the cut, and the Postal employees should be brought into line along with the other departments, and if anything more cannot be done, at least this should be done. With these remarks I support the motion of Mr. Joshi. There is no question of any sympathy with labour, and I say I do not support his motion on that ground. I hold no brief for the labour movement, at the same time I hold a brief this way, that equity should be so adjusted between all classes of labour and employees and Government and all other classes so that there will be no hardship to any one. Sir, I support my friend Mr. Joshi.

Mr. C. S. Ranga Iyer: Sir, I am very grateful to my Honourable friend, Mr. Joshi, who has always the good of labour at heart, for having moved the motion with his unfailing sympathy for labour, and I am wholly in agreement with every word that he uttered on this occasion, and when I say it, I do so as an *ex-President* of more provincial Postal Conferences than one and as an *ex-President* of more all-India Postal Conferences than one. Sir, on previous occasions, if Honourable Members only cared to read the report of the proceedings of this House, in those great days of Swarajism when the Opposition was surging from this side of the House, there were more advocates of labour from this side of the House than we find to-day. When the Swarajists, when the Congress people went from this House out into the country on a great national endeavour in which I, from this place, wish them early success, and incidentally the early dawn

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of good sense on Whitehall, when those Swarajists went out of this House, with them went out the surging sympathy that used to exist for my friend Mr. Joshi. He was not then ploughing a lonely furrow in this House, and I rise to assure him that even though the support for him in this House may be little, the support for him out in the country is large. The very fact that the Labour Commission had toured the country and made certain recommendations in regard to the future of labour and labour's own place in the constitution is a feather to the cap of Mr. Joshi inside this House and to my friend Mr. Chaman Lal outside this House in regard to the manner in which they have been fighting the cause of labour, including Postal labour.

Sir, we do not agree for a moment that Government have shown adequate sympathy to Postal employees. It may be retrenchment, but retrenchment whether it takes the shape of volumes sent to us in the shape of Reports produced slowly and steadily like the Ganges breaking out of the Gangotri Glacier, coming through different rugged mountain sides and then through the plain to meet the mother of waters, the ocean. Whether it is rapidly produced as it was produced by Mr. Shanmukham Chetty, whose presence I miss to-day because he has gone on an important mission, or whether it is produced in a very ugly manner in which to delay the process, with purposes which are familiar to us, I must say that no retrenchment report, in whatever manner it has been produced, which recommends retrenchment or suggests retrenchment or creates that suggestion or impression of retrenchment out in the country so far as Postal labour is concerned, will be acceptable to the supporters of labour. Sir, under retrenchment, and owing to a sort of misguided enthusiasm for retrenchment on the Opposition Benches, it must be amazing to any one that under cover of retrenchment the poor postal employees should have been thrown into the wilderness. I know a number of people who have no jobs. Retrenchment I can understand. I know the Finance Member spoke with feeling when he said that it is a nightmare. It is something worse than a nightmare. It is a dreadful reality with which these people are faced, men whose bread is taken out of their mouths because some people say there should be retrenchment. I am opposed to retrenchment altogether unless you retrench the Military Budget and reduce the military expenditure. I have been patiently, sullenly, silently watching this progress of retrenchment talk. I carefully kept out of these retrenchment committees, for once you agree to retrenchment without the power to regulate retrenchment, you don't know what will happen because we are not sitting on those Benches (pointing to Treasury Benches). That was the position of the late Mr. C. R. Das; that again was the position of the late Pandit Motilal Nehru. We have no business to give advice to Government which they are entitled to put into the waste-paper basket; because we are only an Opposition without power. We co-operate to retrench. And what has happened? Hundreds and thousands of poor postal employees have been sent into the wilderness. I have got letters as an ex-President of the Postal Union. I have also seen men who come to me. A few men came three days ago and said, "Can you not approach the Government Member-in-charge?" I said "No". I have followed a regular policy of non-interference in this business. I say the Opposition has bungled. The Opposition has no imagination. Imagine Sir Hari Singh Gour is the Leader of the Opposition, a gentleman who was a member

of a committee which was boycotted by this country,—the Central Committee. The very fact that the Opposition Leadership is held by Sir Hari Singh Gour is an indication of the fact that we in this House are committed to policies and programmes which, knowing as I do, cannot cut much ice in the country. The very fact that we have on the Independent Benches Sir Abdur Rahim, whose career was a career of notorious agreement with the policy of repression in Bengal, indicates the downfall of the Opposition. That is the position of the Opposition to-day, and that is why it has helped Government in creating this programme of retrenchment, which is responsible for this state of affairs, because Government cannot accept our suggestions. Once you agree to the principle of retrenchment, they will not accept your programme of retrenchment. Sir, it is all well and good for the Opposition to agree to the principle of retrenchment. I am opposed to the principle of retrenchment, and when I said so, the Honourable the Finance Member repudiated me last year. He repudiated me strongly. He strongly defended Sir Abdur Rahim and stated that his retrenchment report will be of "considerable" support.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member always goes much further than the issue before the House. How is the attitude of the Opposition, the question of the position of the Leader of the Nationalist Party, the question of the position of the Leader of the Independent Party, relevant to the issue now before the House which is the grant of 10 crores and over to be made for the Posts and Telegraphs Department?

Mr. C. S. Ranga Iyer: Sir, I am thankful to you for reminding me of the relevancy, and with all the respect due to the Chair I bow to your suggestion. I only beg to suggest, with your permission, that when Sir Abdur Rahim agreed to serve on the Retrenchment Committee, he was committed to the principle of retrenchment. And there has been so much retrenchment in the Postal Department that it has resulted in sending away the postal people to the wilderness. Had only the Opposition said to the Government, "We refuse to go into your trap, we refuse to draw your allowances for the Retrenchment Committees, we are altogether opposed to the principle of retrenchment and it is your responsibility only", then this calamity which has fallen on the Postal Department and which I am standing up here to deplore would not have happened. Sir, I maintain, and with all respect due to your rulings and with the suggestion that you have given, I believe I am right when I maintain that this policy and this principle resulted in a programme which was not duly observed. And not having been duly observed,—we know the Government,—it was observed in some other direction, namely, sending away men from the bottom, the poor labourers, the under-dog, for whom Mr. Joshi stood up in this House. Sir, I refuse this supply to the Postal Department because I do not believe in the principle of the Indian Posts and Telegraphs Department working together. If only you take some time, Sir, as you did take some time in your unattached days, to go through the expenditure of the Postal and Telegraphs Departments, and then if Honourable Members of this House will care to read the arguments that have been urged by me out in the country and urged by distinguished Members on this side on the floor of the House, it will be crystal clear that Government have always taken shelter behind the fact that they cannot go further in the

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direction of ameliorating the condition of the postal employees because it is a commercial department, and being a commercial department both Posts and Telegraphs must pay. I can as well say that you can join this Telegraph Department with any other department, including the department of my Honourable friend the Home Member, and then if they say that it is not a paying proposition because the Home Department is not a productive department but a spending department, the argument of Government would be as absurd as their present argument is. So if you maintain that a particular department is to be treated as a commercial proposition, then I say here and now, separate the Postal Department from the Telegraph Department. What has happened in the past is robbing Peter and paying Paul, robbing the Postal Department and paying the Telegraph Department. What, may I ask, has been the argument of Government? Their argument has been this: they say that the departments must be taken together because the purpose of the departments is the same. I beg to differ from that. The purpose of the Postal Department and the purpose of the Telegraph Department is not exactly the same. The purpose of all departments in that sense is the same. The purpose of the department of my Honourable friend Sir Lancelot Graham is as much to keep the King's Government going as it is the purpose of my Honourable friend the Home Member's department. The purpose of the Finance Department is the same; the purpose of the department of Sir Joseph Bhore, that is now and that is going to be is the same. All departments are tarred with the same brush. There is no use saying that the work of the Postal Department is the same as the work of the Telegraph Department. The work that is done by the Postal Department is different from the work that is done by the Telegraph Department. The postal employees are different from the telegraph employees.

5 P.M. The education that the postal employees have got is different from the education that the telegraph employees have got. The postal employees do not require so much technical qualification as the telegraph employees require, and you do not have so many experts in the Postal Department as Government say they should have in the Telegraph Department. Why, then did this arise, this differentiation in treatment between the postal employees and the telegraph employees? Why, I ask? Why? Because if only Honourable Members interested in the subject will look back to the old records, the telegraph employees resorted to the short cut, whereas the postal employees resorted to the constitutional way. The telegraph employees went to their own leaders outside, took their stand upon, the gospel of self-reliance and self-help and resorted to what telegraph employees in other countries have resorted, or to be more correct, they were going to resort to a general strike. They held a pistol as it were to the head of the Member-in-charge of that Department: you know the story of the highway robber in the middle ages who seeing a man wandering alone says, "Your life or your purse"; and the poor Member-in-charge of that department succumbed, painfully, abjectly, timidly succumbed as the postal employees grinned at him—but in my own opinion nobly, courageously, righteously, for he realised there could not have been this threat without actual grievances and with the responsibility due to his employees he examined their grievances and he found it was a just grievance that each one of them had got, and having found that, what did he do? He inquired, responded and satisfied them. That was an admirable move on the part of the Government in regard to the Telegraph

Department. But the poor postal employees did not get the same help, and that is what I am going to develop in another half an hour or so before me

Mr. B. V. Jadhav: They went on strike in Bombay for about six weeks.

Mr. C. S. Ranga Iyer: My Honourable friend, with the information for which he is always noted in this House, says that the postal employees went on strike for about six weeks. I quite admit that his information is correct: but when I was talking of telegraph employees, I was talking of them as an organised people, the whole lot of them, not one provincial group. In the case of the postal employees as my Honourable friend, Mr. Jadhav, no doubt knows, there was no unanimity: there could be no unanimity; they are educated in a different way, or rather they were educated by their Union people in a different way. Their Union people advised them to go to the Members of the Central Legislature. It was all well and good to go to the Members of the Central Legislature; the Central Legislature in the past and in the present, and as Mr. Joshi has rightly shown to-day, will sympathise with them and work for them in a constitutional way, but when the others took to direct action, the Government yielded to them. Even in a constitutional way I admit we have made a tremendous impression on the Government. For instance, my old friend, Sir Bhupendranath Mitra, finally yielded to the pressure which was brought year after year from this side of the House, and he looked into the case of the postal employees; after very careful thinking and a little wavering—wavering not because he lacked sympathy, because he was so full of sympathy for them—but because in all these matters, as it was truly said, the master of the purse is the master of everything, he had to go to the Finance Member or Chancellor of the Exchequer and ask him, "Can I embark on this enterprise?" And if the Finance Member would not have agreed, he could not have embarked on it. He had to persuade the Finance Member; that the times were good, much better than they are now; but we have played into the hands of the Government by suggesting retrenchment and having suggested retrenchment, even those good days when the pay of the postal employees was not cut have been banished into the limbo of oblivion. Can you imagine anything more painful—and I may assure you I am expressing the feeling of a large number of unemployed people who have been thrown out into the wilderness in the name, the ugly name, even though the blessed name of retrenchment placed in the hands of the Government by an indiscreet Opposition a set of misguided but very honest and very sincere enthusiasts of retrenchment. What has happened? Poor postal employees getting less than 100 rupees a month had their salaries retrenched.

Speaking from this side of the House, I may make my position perfectly clear. I will not agree to retrenchment going too low. My friend, Sir Cowasji Jehangir, said to the Finance Member with his usual earnestness, "I do not subscribe to your doctrine about sound finance. It may not be sound finance to borrow, but it is sound policy to borrow on these occasions." But the Honourable the Finance Member, a careful student of finance, thought it was better to take his stand on sound finance even though there may have to be retrenchment in the manner in which he practised retrenchment. I shall come to the practice of that

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retrenchment presently, and I shall show you how the practice of that retrenchment has affected the people. But before coming to the practice of retrenchment, I should point out very clearly to the Honourable the Finance Member that by cutting down the salary of an employee getting less than 100 rupees a month, or even less than 50 rupees a month, he came very very low. Fancy a salary like that being cut in the name of retrenchment. Honourable Members can imagine the difficulty of such a man trying to make both ends meet and of keeping body and soul together. It is a tragedy not only in this country but it is also a fact which all economists admit, all students of a certain science will admit, it is a fact that the poorer the man the larger his family. Poverty and procreation seem to advance *pari passu*; in this poor country, a country full of poverty stricken people, the poorest country in the world, I can say without any fear of contradiction that the employees whose salary has been cut, whose salary has been retrenched, are men who have large families. If Honourable Members on the Treasury Benches feel, and rightly feel, that they do not want their salaries to be cut down because they came under a contract,—and I admit the sanctity of contract,—unless they voluntarily cut it down, no Member on this side of the House says, “Violate the contract”,—what they say is speed up Indianisation, that is our view,—when they hesitate to cut down their salaries, though they can very well afford to do it more than the poor employees I have mentioned, very much more indeed in spite of their ground that they have to maintain one establishment in this country and another establishment in their own,—when they do not want to give up what they felt they should give up, how can you expect the poor man to give up what he has been compelled to give up? Sir, unless the Government assure me that the salaries of the postal employees, the salary of the under-dog, will forthwith be restored, I may tell the Government that they are not contributing to the satisfaction of a large number of good and loyal people, people who day in and day out, through thick and thin, have stood by the Government. For, Sir, did not the wave of non-co-operation time after time pass over this land, but it left the bed-rock of the postal employees untouched, and my friend from Bengal Mr. Ghuznavi who has great sympathy for the labouring people, and who, I believe, has been in touch like my friend Sir Abdullah Suhrawardy, with postal employees in Bengal, will bear me out when I say that there is a real and genuine feeling of discontent among these unfortunate men whose salary has been cut down. Sir, I may have to face them in future; I may have to preside over their conferences (Hear, hear), and they will ask me what have I done for them. Mr. Joshi may be a nominated Member, but he is not nominated in the sense in which nomination generally takes place, for just as my friend Sir Henry Gidney is nominated for his community whom he has been vigorously representing on the floor of this House, sometimes to the embarrassment of the Opposition, even so Mr. Joshi has been vigorously representing and exercising his vote vigorously and independently, because he is acting as elected Member for labour and if there was to be an election tomorrow, and if labour were to have a constituency, Mr. Joshi will be elected unopposed, and if he were opposed

Mr. K. Ahmed: It is rather outside the subject-matter under discussion.

Mr. C. S. Ranga Iyer: I will show that it is not entirely outside the subject in a minute if you will allow me to complete the sentence. And if Mr. Joshi were to be opposed, it will be clear to his opponent that when the results are announced he would have lost his security. Therefore, Sir, such being the position of Mr. Joshi,—I say with all respect to the Honourable gentlemen who expressed a disagreement with him on this side of the House,—I am not ashamed of supporting labour, nobody on this side of the House, even those who do not see eye to eye with Mr. Joshi, is opposed to the real and legitimate grievances of labour.

Now, then, Sir, let me come to the other aspect of the question, namely the practice of retrenchment. I was up to now talking on the cutting down of salaries and pointing out that the salary was improperly cut, that it has been unreasonably cut and that it should be immediately restored. But now I am coming to the question of the practice of retrenchment, I said men have been sent away. But half a loaf is better than no loaf, and that is where the Finance Member stands on solid ground, because he says he had to cut down pay because he wanted to reduce the number of men who would be sent away. While not disputing that fact, I should have liked the retrenchment in some other form, in some other department like the Military Department. That has not taken place. I have behind me years of rhetoric, years of reasoning that the Military Department is a white elephant, and it puts its elephant foot on every other department. Why indeed, I ask, should the Military Department not be cut down to meet the necessities of the Postal Department? Why, indeed, I ask, should not the salaries of those who have been asked to accept a lower wage be restored to their old level and the military department be cut down to meet that restoration? I again ask, should those men have been sent away, because by sending them away, you have deprived them of a means of livelihood? Sir, I want you to imagine, I want to pass through the crucible of your imagination, the great trouble

Mr. K. Ahmed: I want to support you; give me a chance to speak.

Mr. C. S. Ranga Iyer: Imagine the great trouble which discharged employees are undergoing. By sending them away, Government do not seem to realise that they have sown discontent in the hearts of good and loyal people. By sending them away Government do not seem to realise that they have caused a genuine grievance for people who should not have been hurt. The Government ought to have maintained at any cost, even by borrowing, those people who have been sent into the wilderness. I am sorry, Sir, I have taken so much time, and I beg your and the Honourable Members' pardon, and I thank you and them for listening with such kindness. But I had a responsibility to my people, to the labouring classes, and as I realised that there was not sufficient support for my friend Mr. Joshi which the occasion required, especially when he raised the opposition to the whole cut, I thought my friend Sir Abdur Rahim should not have the opportunity in the future to describe any Member of this House except himself as frivolous, though the climax of frivolity has been to ask for the extension of the publication and the period of Retrenchment Committee's Reports.

Mr. President: The House will now stand adjourned till 11 o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 19th March, 1932.

LEGISLATIVE ASSEMBLY

Saturday, 19th March, 1932.

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

MOTION FOR ADJOURNMENT.

ALLEGED MALTREATMENT OF WOMEN POLITICAL PRISONERS.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): I have received notice from Sardar Sant Singh 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, namely, the maltreatment of women political prisoners in the course of their transfer from the Delhi Jail to mixed Jails in the Punjab. Before I ask whether there is any objection to the motion, the Chair would like to invite the attention of the Honourable Member to the fact that under the rules governing the procedure of this House the Budget grants have to be put to the House at 5 o'clock to-day. Adjournment motions are under the Standing Orders taken up at 4 P.M. and discussed till 6 P.M. It is clearly not possible to have the adjournment motion and also secure compliance with the rules regarding the Budget grants. The Chair has therefore to ask the Honourable Member whether he would renew his request for leave for this adjournment motion on Wednesday next, and the Chair assures him that it will regard the motion on Wednesday as urgent, and that no difficulty will be raised in regard to the matter of urgency on that day. I therefore take it that the Honourable Member is agreeable (*Sardar Sant Singh*: "Yes") not to press it to-day but to renew his request for leave on Wednesday next when the House meets again.

Sardar Sant Singh (West Punjab: Sikh): I accept your suggestion, Sir, and I will renew it on Wednesday.

THE GENERAL BUDGET—LIST OF DEMANDS—*concl'd.*

DEMAND No. 23—INDIAN POSTS AND TELEGRAPHS DEPARTMENT—*concl'd.*

Mr. President: The House will now resume further discussion on the grant for the Indian Posts and Telegraphs Department.

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara: General): I rise to support the motion moved by my Honourable friend Mr. Joshi. . . .

Mr. President: Mr. Joshi has moved no cut motion.

Diwan Bahadur Harbilas Sarda: He wanted to oppose the motion moved by the Honourable the Finance Member, and I want to support him in what he said.

Sir, I too have been connected with the Postal Conferences of my province, and I have some acquaintance with the grievances of the staff. I believe that the lower paid staff of the Postal Department is handicapped in many ways, and I do not want to do anything further to make their position worse. Retrenchment, so far as it does not affect or impair the efficiency of any service, is not only good but necessary, but if in any way affects the members of a particular service in a most injurious way, then it is time to cry a halt, and I think the way in which the Government have dealt with some of the retrenchment proposals deserves condemnation. I do not want that masses of men, or even groups of men, or a number of men should be thrown out of employment at this time when things are very bad. I therefore think that any unnecessary retrenchment in the shape of dismissal or discharge of numbers of people should be discouraged and should not be taken in hand.

Sir, I would ask your permission to say something about the work of the Retrenchment Committees. I have been, and I am a member of the General Purposes Sub-Committee, and certain remarks were made yesterday, and before that, to the disparagement of the work of the Committee and the members of that Committee. Consequently, as a sort of personal explanation, as I have been connected with it, I wish to say a few words. The House will remember very well that last year in March, when the Honourable the Finance Member presented his Budget and the Finance Bill and proposed fresh taxation, from every part of the House, from every corner the cry went forth that fresh taxation should not be levied but that more retrenchment should be effected and thus money should be found to balance the Budget. The Honourable the Finance Member said that he had retrenched as much as he could, and that if the Members thought that there had not been sufficient retrenchment, he would invite Members to investigate the matter and to see things for themselves thus to find out that Government had done all that was possible. In a spirit of frankness and sincerity of purpose, which do him credit, he offered to appoint a committee to go into the matter, and Members on this side, the Leaders of Parties and others, accepted that offer in the spirit that they would thereby be able to do public service and serve the cause of their country. They offered their services to effect further retrenchment so that there might be no occasion for further taxation later on. In that spirit, those of us who were nominated to these Committees agreed to serve on the different Committees. Personally my opinion is that even if any of us agreed to serve on those Committees with the object only of helping the Government—even then I think the object was laudable, but, as I have said that, so far as I am aware, all of us agreed to serve on those Committees with the sole object of helping the country to obviate the necessity for further taxation by proposing further retrenchment. Sir, when my Honourable friend Sir Abdur Rahim agreed to serve on the Retrenchment Committee and accepted the Chairmanship of the General Purposes Sub-Committee, he did so at great personal sacrifice, not only financial, but of his time and energy, and the way in which he has worked, has evoked

admiration from all who know anything of the work of that Committee and who had occasion to read the two reports issued by that Committee. It has been said by an Honourable Member that the reports of the Committees should be thrown into the waste-paper basket. Sir, if anybody thinks so, it is not the fault of the reports of those Committees. I am sure that those reports are very valuable documents, and are looked upon as such by all responsible people who have read them. Not only that, but I have heard some very responsible officers say that the reports would remain valuable documents for use when financial questions arise again and when another retrenchment committee is appointed, as it is bound to be appointed in a few years. That being so, I only wish to say that the work done by the Retrenchment Committee is very useful and has been done in a spirit of public service only, and those who have worked there deserve praise, not condemnation. It is that spirit that inspired the work done by the Committees which co-operated in reviewing the expenditure in different departments. The General Purposes Committee went into the working of the different departments of the Government of India and considered the evidence placed before them with the greatest care, and such recommendations as have been made by that Committee were made in the public interest, and we expect the Government to pay proper attention to them and consider them with the same care with which the General Purposes Committee exercised to come to those conclusions, and it is our duty as members of the Committee and as Members of this House to press those points with all the force which we can command. It is a pity that certain retrenchment cuts which were proposed by my Honourable friend Sir Abdur Rahim were not pressed to a division yesterday. He would have found almost the entire Nationalist Party following him into the lobby if he had pressed that point to a division. That however is past. I have nothing further to say about that. I want to make it clear that whatever the Retrenchment Committees have done has been done in the best interests of the country and has been inspired by public spirit.

The Honourable Sir Joseph Bhore (Member for Industries and Labour): I confess to having felt considerable surprise yesterday when Mr. Joshi raised his objection to the entire grant for the Posts and Telegraphs Department on the ground of cuts imposed upon the lower paid employees of the Posts and Telegraphs Department. I understood from what had previously fallen from the Chair that it was generally agreed by the whole House that Friday and Saturday were to be wholly and entirely reserved for the discussion of cuts and motions to secure retrenchment. I do not now propose to take any objection to the course which Mr. Joshi thought fit to adopt yesterday. It may be that he was perfectly within his rights technically. It may also be that perhaps I might have too nice a sense of the obligations attaching to an agreement which has been definitely entered upon. Since, however, Mr. Joshi took the fullest benefit of the facilities flowing from the agreement the day before yesterday, which you, Sir, will remember was allocated to the unattached Members of this House, I naturally thought that Mr. Joshi would equally rest content with honouring the obligations which were incidental to that agreement. Evidently, Sir, I have been mistaken. Labour as represented by my friend Mr. Joshi is evidently prepared to take all the benefits which it can receive and it is not prepared to subscribe to any obligation. As regards

[Sir Joseph Bhore.]

the subject-matter of Mr. Joshi's objection it is unnecessary for me to go into any detail. It has been completely replied to by the Honourable Member who followed him. I am very happy to have had so doubtly a champion as my friend, Mr. Amar Nath Dutt, who was himself a member of the Retrenchment Committee, and I need only add, Sir, that the cuts in question which were recommended by the Retrenchment Sub-Committee were cuts amounting to half an anna in the rupee on salaries and wages up to Rs. 30, one anna on those between Rs. 30 and Rs. 84 and ten per cent. beyond that. They resulted in a graduated scale of 3 and 4th per cent., 6½ per cent. and of 10 per cent., and I am sure that since the graduated scale appeals so much to so many Members of this House, they will see no objection to the cuts which have been imposed. I think it is a little hard for us on this side to be threatened on the one hand with the loss of lakhs of rupees, because we have not given effect to the suggestions of the Retrenchment Sub-Committees, and on the other to be threatened with the loss of crores of rupees because we are accepting the recommendations of the Committee.

Now, Sir, I turn to my Honourable friend Mr. Sykes. Well, Sir, I confess to a feeling of utter bewilderment when my Honourable friend was speaking. When I listened to him, a very unhappy feeling crept over me that perhaps the strain of the last few months was beginning to tell upon me and that I was rapidly qualifying for entry into a home for mental defectives. It was therefore, Sir, a matter of great relief when I found that you, Mr. President, were exactly in the same position as myself and if I remember aright you asked the Honourable Member whether he was speaking for or against the motion. I confess that my bewilderment continued until almost the end of that speech and then I understood my Honourable friend to say that he agreed with Mr. Joshi in not wanting any Posts and Telegraphs after the 31st March, and that the best way of remedying these cuts on the salaries of the lower paid employees was by dismissing the latter entirely, which is the result which would have followed automatically from the elimination of this grant.

I come now to Mr. Jagan Nath Aggarwal. I always listen to him with great and close attention whenever he has anything to say, but I confess that I was unable to follow the line of argument which he adopted yesterday. What he said was that he objected entirely to cuts on the lower paid employees of the department, though he admitted that this might result in very substantial saving. On the other hand equally strongly he objected to the recent increases in postal rates, which I am glad to inform this House, have resulted in a much needed increase in our revenue so far. Now, Sir, if on the one hand you are not prepared to take measures to increase your income and on the other hand you are not prepared to take measures to diminish your expenditure, then you are heading straight for bankruptcy, and if a bankrupt institution is not to be run by the general tax-payers, then the only alternative is that it should shut down and that in fact, Sir, is, I understand, what Mr. Aggarwal was prepared to accept since he said that he supported Mr. Joshi's motion. Sir, it is impossible for me seriously to deal with a position of this sort.

I come finally, Sir, to Mr. Ranga Iyer. In the flood of rhetoric which he poured upon the head of this devoted House during the last hour of a tiring day I did try to see if I could clutch at some straw to save myself.

I think I succeeded, because there was one sentence in his speech which seemed to me to require both criticism and explanation and that sentence was that hundreds and thousands of poor postal employees have been either retrenched or sent into the wilderness. Now, Sir, I have asked myself whether that statement is a correct representation of facts or whether it is a gross exaggeration. I challenge my Honourable friend to give me even the roughest estimate of the thousands of postal employees who, according to him, have been sent into the wilderness.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, I clearly stated that thousands of employees have been sent away under retrenchment and the Postal Department has not been an exception to the rule. I also stated that their salaries have been cut which the Honourable Member is trying to elude.

The Honourable Sir Joseph Bhore: Well, Sir, seeing that I myself have referred to the cuts in salaries, I cannot understand how I can possibly be eluding that point. However, the only compiled figures which my friend Mr. Ranga Iyer would have had before him are those on page 6 of the statement of results of the retrenchment operations already circulated to Honourable Members, where it is noted that in the Posts and Telegraphs Department 31 officers, and 353 ministerial and other staff, of whom, I think, about 100 have retired voluntarily, and only 4 inferior staff were abolished or about to be abolished in connection with the retrenchment campaign. This gives a total of 388 men, out of a staff of about 132,000 belonging to the Posts and Telegraphs Department. These figures were compiled in February from the statements received from the heads of the service. Obviously, as many important retrenchment measures which had specifically been ordered. . . .

Mr. C. S. Ranga Iyer: Will the Honourable gentleman state how many runners were sent away?

The Honourable Sir Joseph Bhore: Sir, if my Honourable friend will allow me to give him further information without interruption, I should like to do so. I was saying that it would take time to give to the House the full effect of all these important measures which we are bringing in, but I have no reason to think that anything of the nature of a very extensive reduction of staff will be possible or will be needed. I think that it is surely significant that no complaints about retrenchment, apart from the complaints about the cut of pay, have reached the Director General from such bodies as the Postmen's Unions, and practically none even from individuals. Sir, I do not think any thing more is necessary for me to point out how wild and without foundation is the statement that hundreds and thousands of poor postal employees have been turned out into the wilderness. I do not think there is anything further for me to say and I will now leave it to the House to decide whether they will relieve my Honourable successor from the burden of administering the Postal Department during the next financial year. (Applause.)

Mr. N. M. Joshi (Nominated Non-Official): Sir, I think the Honourable Member has accused me of having broken an agreement. The agreement was arrived at, as you know, in order that the House should be able to

[Mr. N. M. Joshi.]

properly utilise the time at its disposal. So, when I found that the House had spare time at its disposal, I was entitled to make use of it. I have therefore broken no agreement. Moreover, Mr. President, even if I have broken the agreement, I did it for a very good reason. I am in the habit of looking after the welfare of other people; I am somewhat altruistic in tendencies. I thought some people receive very fat salaries and it is bad for them to be without any work.

Mr. President: Sir George Schuster to reply.

The Honourable Sir George Schuster (Finance Member): Sir, I have nothing to add.

Mr. President: The question is:

"That a sum not exceeding Rs. 10,67,90,000 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, 1933, in respect of 'Indian Posts and Telegraphs Department (including Working Expenses)'."

The motion was adopted.

DEMAND NO. 25.—INTEREST ON ORDINARY DEBT AND REDUCTION OR AVOIDANCE OF DEBT.

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

"That a sum not exceeding Rs. 2,80,20,000 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, 1933, in respect of 'Interest on Ordinary Debt and Reduction or Avoidance of Debt'."

The motion was adopted.

DEMAND NO. 26.—INTEREST ON MISCELLANEOUS OBLIGATIONS.

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

"That a sum not exceeding Rs. 48,12,000 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, 1933, in respect of 'Interest on Miscellaneous Obligations'."

The motion was adopted.

DEMAND NO. 27.—STAFF, HOUSEHOLD AND ALLOWANCES OF THE GOVERNOR GENERAL.

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

"That a sum not exceeding Rs. 3,91,000 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, 1933, in respect of 'Staff, Household and Allowances of the Governor General'."

The motion was adopted.

DEMAND NO. 29.—COUNCIL OF STATE.

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

"That a sum not exceeding Rs. 90,000 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, 1933, in respect of the 'Council of State'."

The motion was adopted.

DEMAND NO. 30—LEGISLATIVE ASSEMBLY AND LEGISLATIVE ASSEMBLY DEPARTMENT.

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

"That a sum not exceeding Rs. 7,09,000 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, 1933, in respect of the 'Legislative Assembly and the Legislative Assembly Department'."

Mr. N. M. Joshi: Sir, I assure you that when I rise to oppose this motion I have absolutely no complaint against you as the head of the Legislative Assembly. But, Mr. President, I have some complaint against the Government for depriving this Legislature of one of its most cherished and valuable privileges, and that, Sir, is that whenever the Government enter into an agreement of a long-standing nature to incur expenditure, they should consult this House beforehand. At least a vote of this House is necessary to be taken before Government enters into that contract. I feel, Mr. President, that the Government of India have entered into such a contract, or are about to enter into such a contract with regard to the subvention to the N.-W. F. Province. I assure you, Mr. President, I do not wish to go into details on that question. I am simply saying that the Government of India have not paid sufficient attention to the privileges of this House. The Government of India, in my judgment, when they decided to give a subvention of about a crore of rupees to the N.-W. F. Province, should have placed a Resolution before this House

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, on a point of order, I would ask for your ruling as to how far a question of this kind can be discussed on this particular vote.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member is wholly out of order. The Chair would like to draw the Honourable Member's attention to Demand No. 78. The Government have come before the Assembly asking it to vote a definite amount for that purpose, and if that item is reached, the Honourable Member will be perfectly entitled to oppose that Demand and to give his reasons for doing so, but on the present occasion he is entirely out of order.

Mr. N. M. Joshi: Mr. President, may I just say one word?

Mr. President: Order, order. The ruling has been given and I do not want to hear anything more.

Mr. N. M. Joshi: May I say one word

Mr. President: Will you please resume your seat. The question is:

"That a sum not exceeding Rs. 7,09,000 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, 1933, in respect of the 'Legislative Assembly and the Legislative Assembly Department'."

The motion was adopted.

DEMAND NO. 31—FOREIGN AND POLITICAL DEPARTMENT.

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

"That a sum not exceeding Rs. 7,74,000 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, 1933, in respect of the 'Foreign and Political Department'."

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, I wish to oppose this whole grant for the Foreign and Political Department. Sir, it seems that department is not responsible to this House, but is always irresponsible and always unconstitutional. Whenever it gets a chance to get out of the constitutional rut and usage, it takes advantage of that and it never recommends to the Governor General or the Governor General in Council the adoption of the constitutional procedure. Sir, most of the money which the Foreign and Political Department controls is spent on non-voted heads, and while a certain sum of money is spent on the voted side, that department generally tries to evade the constitutional procedure and does not consult this House. As an illustration, I may cite the case of the N.-W. F. Province. Sir, the Foreign and Political Department controls various other departments, such as the N.-W. F. Province, Baluchistan, Political and two or three other departments. If my Honourable friend, Sir Evelyn Howell and his colleague were alive to the situation and to the constitutional issue that was evolved, his first duty would have been to advise the Government to bring forward a motion to discuss the special subvention which has been put down in the Budget under Demand No. 78. My friend, the Foreign Secretary—of course we know what Foreign Secretaries and Foreign Ministers are (A Voice: "What are they?"), they are above constitutional Governments and above all constitutional practice—I think my friend, the Foreign Secretary, should have advised the Government to come to this House to ask its opinion whether a certain new constitutional procedure that is being adopted by that procedure of giving a subvention to the N.-W. F. Province cannot be discussed, and whether it ought not to take the assent of this House. Sir, my friend, the Foreign Secretary, should have moved the Government of India to adopt the constitutional usage. Sir, on this constitutional aspect I have got the support of various authorities. I have here a statement made by that old colleague of ours, Sir Sivaswami Aiyar, who is known to be a great constitutional lawyer and was the Advocate-General of Madras, and also a Judge of the Madras High Court. He said:

"If there is one fundamental maxim of constitutional politics more valid than any other, it is that any province which claims autonomy must be able to support itself financially. Dependence on doles or depredations is incompatible with a claim to independence. If the Central Exchequer is to meet the growing deficit in the administration of the Frontier Province, it is unquestionably entitled to have a voice in the administration."

I shall now quote the comment on this from my old friend, Mr. Kelkar—whose absence from the floor of the House most of us deplore so much—in the *Maratha* of the 13th March:

"In budgeting a subvention of one crore of rupees to the N.-W. F. Province the Finance Member has betrayed the Legislative Assembly. It may be considered as an act of generosity of the British Government, but to our mind it is simply an extreme violation of the principle of financial control. There cannot be a sense of responsibility in a Provincial Government which has to depend upon the Central Government to the extent of about two-thirds of its expenditure."

Later on, it comments:

"We know that the voice of the Members of the Legislative Assembly will be lost in the wilderness, but we hope that there would be a general discussion on this question, as it would be of great help to understand the exact position of the Federal Government in the future constitution of India."

Sir, it is that aspect to which I want to draw the attention of this House, and I want to point out how my Honourable friend, the Foreign Secretary, in not attending to this constitutional aspect of the question, has betrayed the confidence of this House. Sir, I am not opposed to the subvention. I very much welcome that my friends from the N.-W. F. P. have got this subvention of one crore. Yesterday when I was taking an opportunity to raise a discussion on the question of the subvention, some of my friends on the left shouted "No". These friends of course are new to the House and they forget that in the good old days when this House, influenced by the Bray Committee's Report, was against granting constitutional reforms to the N.-W. F. P., I was one of the few stalwarts who always stood up and supported the grant of reforms to the N.-W. F. P., but yesterday it was an irony of fate that I was not allowed to raise a discussion and was treated as a communalist. Let me make it clear at the outset that I am for a subvention; I am not only for a subvention to this province but to every new province which may be created hereafter and also to every old province. We may all be in need of the Central Government's assistance. During the General Discussion of the Budget, I raised the issue that Government should amend the constitution so that it will be possible for them to give a subvention to any new province; and what we find here is that the Government have got it out by the backdoor of a budget speech and want to give it to only one particular province. Why did not the Foreign Secretary take the opportunity to bring out the constitutional aspect?

One more point: Devolution Rules 14 and 15 must be amended. Who is going to amend them, the Honourable the Finance Member or the Foreign Secretary or the Government of India? It is most reprehensible on the part of Government to give a subvention to the N.-W. F. P. without settling the constitutional aspect of subventions. Subventions must be general and not specific. Do they want that when the Orissa Province is constituted, it would not get any subvention? Do they think that I will come with a begging bowl to the Treasury Benches for a little grant of a few lakhs? I want the Government to look into the constitutional aspect involved in this particular issue. I know my Honourable friend the Finance Member is going to bring forward a Resolution to discuss the financial questions arising out of the Howard-Nixon Report about the separation of Burma from India. Why did not the Leader of the House bring forward a similar motion to discuss the constitutional aspect of subvention to N.-W. F. P.? The procedure that the Government have adopted strikes at the very root of the future Federal Government whether it is evolved in the way that Government propose or whether it is evolved in the way that we on this side of the House want. On these grounds, Sir, I oppose the grant to Foreign and Political Department.

The Honourable Sir George Rainy: Sir, I propose to deal with only one aspect of the question discussed by my Honourable friend, Mr. Das, and that is his complaint that the House has not been given a proper

[Sir George Rainy.]

opportunity to discuss this question. Now, the view that Government have taken from the start has been that the natural right and constitutional course was to put the subvention down in the estimates for the first year, and that the whole matter could be adequately and properly discussed on the Demand presented by Government. More than that, we have done our very best during the last week and this week to arrange that the discussion on the Demand No. 78, North-West Frontier Province, should take place in this House. Repeatedly during the discussions which took place between the parties and the Government Benches, in order to see what arrangements should be made for carrying on the business of this week, I drew attention to the importance of this particular Demand and the desirability that it should be discussed at an early date in the week. More than once I thought I had succeeded in bringing about that arrangement. But in the end it found no place in the agreement between all the parties in this House and I did not feel that in these circumstances Government could press the matter further, because the very last thing I should be willing to do would be to raise objections on the part of Government to an arrangement which had commended itself to all parties in the House. Since this subject, the omission of which from the programme I greatly regret, had been fully brought to the notice of parties, it was impossible to say that they did not have it in their minds. I want to make it very clear that it was the desire of Government that the matter should be discussed, and they took every means in their power to bring about that result.

Mr. N. M. Joshi: I am glad I am getting this opportunity early in the morning to speak, especially after I was not allowed to do so once before. The Honourable the Leader of the House states that the House had a full opportunity of discussing this subject. I feel that the Leader of the House was not even fair to himself when he says that the House had a full opportunity of discussing this subject adequately. The question of a subvention to North-West Frontier Province is not only a question of amount, as the Report of the Committee goes into certain other matters. If the North-West Frontier Province wants more money than is provided for in the Budget to-day and if the Assembly is not willing, they propose that the matter should be arbitrated by some third party. Now, if those conditions to the subvention are laid down, they could be laid down only in a Resolution. That was the point which I wanted to make, namely that the proper way of bringing forward a proposal of this kind is not by putting it into the Budget, but to move a Resolution so that the conditions attached to the subvention could be discussed and could be settled.

One word more about the failure of the Foreign Secretary to give a reply to one of my speeches during the discussion on my motion for reduction of the grant for the Executive Council. I suggested to him that he should secure labour representation in the Provincial Council to be established in the North-West Frontier Province. He has not given me a reply and I wish he would give me a reply at least now.

Thirdly, I seek your assistance and guidance on a point of order. We as Members of the House have certain privileges. The Honourable the Leader of the House rose to a point of order. I do not suggest that he

wanted to choke off discussion. I do not suggest that at all because he himself made a speech on that point, but the point on which I seek your assistance and guidance is this, that if a Member feels that he has a right to speak on a point of order and if the Chair gives a decision, which the Chair is perfectly entitled to do, even without hearing a Member, what I feel is this, if the Chair gives the decision without hearing the Member, I always held that the decision of the Chair was provisional because the Member has a right to be heard even on a point of order.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member has been a Member of this House for a very long time. I take it that the Honourable Member is fully aware of the Government of India Act which governs the constitution and the rules and Standing Orders made thereunder. The Honourable Member should study those carefully if he has not done so already, and he will find enlightenment on the point he has raised.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhamadan): Sir, I had taken upon myself a vow of silence in view of the pact into which all parties had entered, a pact which Mr. Joshi, whose unattached group had the lion's share of the four days for discussion, broke yesterday. That being the case, I have no doubt my friends to my left and behind me stand equally released, and as they have some cuts dear to their hearts they will be at liberty to move those cuts independently of the pact which my Honourable friend Mr. Joshi has contributed so much to dissolve. Speaking on the point the Honourable the Leader of the House has raised, that he placed the question of the subvention to the North-West Frontier Province upon the estimates, I am afraid the Honourable the Leader of the House has not exactly understood the objection of my friend Mr. B. Das. His objection was that, before you can formulate any proposal as to the grant of a subvention, much less the amount, you should have come to this House with a Resolution, and after this House had given you a mandate, it was then for you to decide as to the amount and nature and period of the subvention. That is what Mr. B. Das wanted, and on that point there has been no reply. As a matter of fact the reply of the Honourable the Leader of the House contradicts that very principle which my friend Mr. B. Das stands for. Unfortunately he has put it lower down, and it of course comes in the natural course lower down in the estimates as No. 78. The Honourable the Leader of the House knows full well that No. 78 generally falls to the lot of the guillotine, and consequently there cannot be any fair discussion. But in fairness to him I must say that he was anxious, and so were we, that the question of the North-West Frontier Province should come up during the four days that were allotted for the discussion of the policy. But the Honourable the Leader of the House knows that when you have a subvention given to a particular province persons interested in that province must naturally stand up against any discussion. Supposing the subvention had related to Orissa from which my Honourable friend Mr. B. Das comes, I am sure that Mr. B. Das would have moved heaven and earth to thwart any discussion that would raise the propriety of the question of a subvention to his own province. I am not therefore surprised that there has been an attack made upon our general rule that we should give a portion of the four days to the discussion of the North-West Frontier Province by friends who are opposed to any discussion, because they are apprehensive of the fact that the question about the policy and the amount of subvention

[Sir Hari Singh Gour.]

might be raised on the floor of the House. Therefore I submit that it cannot be said that this House had any fair chance of discussing the subvention. If the subvention had been for a period of one year, the matter would have been serious, but it becomes far more serious when the proposal of the Government is that this subvention is to have a life of three years. Therefore I submit that we on this side of the House, and our successors after we have gone, must not be understood to be bound by the estimates if they are passed under head No. 78, and that the question as to the general policy, the amount and the period for which subventions should be granted will still remain an open question which this House and its successor would be free to discuss and decide upon.

Mr. C. S. Ranga Iyer: Sir, I rise to associate myself with every word that my friend Mr. B. Das has uttered on this occasion. It is fortunate that it has been given to us to-day to stand united on the question of the subvention, even though we hold divided views on the question of reforms, divided views exploited out in the country by papers particularly unfriendly to me and advertising a disunion which does not exist. If my conduct has led to that misapprehension, I humbly apologise to the Leader on my right. However on the question of reforms we are divided; on the question of matters of subvention we are united, divided not in regard to the goal but in regard to the details. This is a fundamental question of the reforms on which we are united. We have not considered in detail the question of the reforms. Therefore we frankly exchanged thoughts, and I again express regret if this exchange of thought had led to an opportunity for an exploitation in the Anglo-Indian Press, particularly malicious so far as I am concerned.

Sir, in regard to the subvention, I may clearly say that this subvention cannot be handed over only to one particular province because that particular province has no responsibility to this House but to an authority outside this House. For instance, if my friend's province, the province of Orissa, is made into a separate province, notwithstanding the fact that every obstacle has been put in its way of separation during the last so many years and also by the exclusion of competent men like Mr. Das even from their legitimate right as assessors to that Committee, if a separate province of Orissa is created, that also is going to get a subvention which the Sind province is going to get. I am not at all standing in the way of the subvention. I do not oppose the subvention, and I want my Mussulman friends to understand it with regard to the North-West Frontier Province. Once you agree to a separate province, a subvention becomes necessary. But this House exists and it is for the Foreign Secretary and for the Foreign Department to introduce a precedent and consult us. We would not have stood in the way but we want to lay down a general rule and a general policy. I do not want to take more time but my friend Mr. B. Das in his admirable evidence which is now public property before the Orissa Committee has said:

"I have mentioned that statutory provision must be made for subvention to provinces from the Central Government. This is necessary as some province and certain tracts known as backward areas have remained underfed and undeveloped owing to bad finance from the Centre. If provincial finances remained 'inelastic and insufficient' in case of all the provinces, in case of Bihar and Orissa they remained spoon-fed from the outset."

Yes, Bihar and Orissa had always been treated as a Cinderella province, and when Orissa is separated from Bihar, Mr. B. Das, the stoutest

champion in and outside this House of the rights of Orissa to separation, will have to see to it that a subvention in the proper form is granted. Sir, our statement on the floor of this House to-day is a request and at the same time a warning to the Government not to neglect those who cannot be neglected. Once you accept that policy of separate provinces, you are committed, and as you have got to commit yourselves in the case of Orissa, you will have to give a subvention to Orissa like every other province.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, when the Members of all the Parties met in the Western Hostel to decide whether a particular question should be discussed, we had unanimously decided that if any Honourable Member wishes to bring in any particular question, that discussion should come up on the day or the period which is allotted to that particular party; or in case it is taken up by any Honourable Member who does not belong to any party, then it must come up at the time which was put at the disposal of the unattached Members. As a matter of fact, I myself was whole-heartedly for giving some time for the discussion of this particular question. And I say for this half a day was allotted; but when we found that unanimity was not to be reached on this point and it was found that there were 12 Noon. two Honourable Members who wanted a discussion on this question, one my Honourable friend Mr. Das belonging to the Nationalist Party, and the other Mr. Joshi, who claimed a share as an unattached Member, it was decided by all the Members present there, that either the Nationalist Party should have this discussion within the time placed at their disposal, or if Mr. Joshi wanted to raise it, then he must forego his period which he wanted for the discussion of the labour question, and the Members were quite prepared to give him this latitude. This was clearly decided, and certain Members were not willing to take up this discussion on Friday or Saturday because they thought that they were not going to be present, and their request was that if this discussion came on, it must come earlier within the four days allotted for policy questions. I do not know how this compact which had been reached unanimously by the House and which had been agreed to for the last five days can be broken.

Mr. B. Das: On a point of explanation, I have exercised my right as a Member of this House to oppose any grant which in my own conscience I think fit to oppose.

Mr. President: No one has taken any exception to it.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): On a point of order, may I know whether we are discussing any Demand for Grants or discussing what took place outside this House, in the Western Hostel or elsewhere?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair is glad that the Honourable Member, Mr. Amar Nath Dutt, has raised this question. Since yesterday the Chair has tried to invite the attention of Honourable Members to the fact that this House is concerned with public business only which comes before it for decision and cannot deal, and ought not to deal, with matters which may happen inside parties at their meetings or even inside any meetings held by Honourable Members

[Mr. President.]

outside the House. The Chair carried out the agreement to which the whole House subscribed that the first four days shall be allotted for the purpose of discussing token cuts. The Chair was prepared to extend that period if a special cut was to be discussed by the unanimous vote of the House. That arrangement has been carried out to the letter and the Chair regrets that extraneous matter is being brought into the discussion. The Chair has not been strict in restricting the discussion, but the Chair trusts that Honourable Members will carry out their primary function of dealing on the floor of the House with business of a public character.

Mr. Muhammad Yamin Khan: Sir, I am glad that the objection came from Honourable Members of the Nationalist Party to the speech I was making; but if they had listened carefully to the speech of their own Leader who had raised this point, who had said that this was the compact and it had been broken, which is all I was putting before the House and before Honourable Members, I say we must stick and ought to stick to it as a solemn promise given to certain Members who do not happen to be present in this House to-day. If any Honourable Member wants to raise any question on which he has given a guarantee to the whole House that he will not introduce it on the floor of this House, and then he says, "I can get up to exercise my right although I have given a promise . . ."

Mr. B. Das: I never gave any promise to anybody.

Mr. Muhammad Yamin Khan: As soon as you, Sir, were pleased to put before the House that this was the arrangement and no Member got up to raise any objection to it, I take it that that was agreed to by every Member who was present; and if any Member says he was not present, it is his lookout if he was not present. But after having come to a certain understanding with certain Honourable Members that a particular question would not be discussed, then to come up at once all of a sudden and raise this question when nobody suspects that there will be a discussion on that point, is not fair; and I put it to Honourable Members that it is not treating those Honourable Members fairly who do not know that this will be coming up for discussion now . . .

Mr. B. Das: I want your ruling on a point of order, Sir, whether Honourable Members who are not members of any party on this side of the House can restrict the action of different parties and groups.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member does not seem to have understood even the ruling that the Chair gave. This House is not concerned with anything that has happened inside parties; but the House is concerned with the agreement which the House reached unanimously on the floor of the House. The Chair expects that Honourable Members instead of discussing these matters will conform to the arrangement to which the House unanimously agreed.

Mr. Amar Nath Dutt: Does a suit for breach of promise lie, Sir?

Mr. President: Order, order.

Mr. Muhammad Yamin Khan: I do not want to go more deeply into that controversy at this time. Even if this be a question of subvention, if my honourable friends like to say, "Oh, we are agreed to give this subvention, but we want to assert the rights of the House", that point could be raised subsequently at some other time and not at this time and at this stage.

On the merits of the question, I would say that whatever may be the position of different provinces, I have no grievance if the Government come and show that a case is made out very clearly in favour of granting a subvention for any other province: we will not hinder that or dispute their right to get money. But, I must say that the North-West Frontier Province stands apart from every other province in this matter; and that point is that it is the province which bears the whole burden of defence from attack outside and it is the guardian of India; that province has been treated as the guardian of India. Even when the reforms were given in the past that province was not given any reforms because it was thought that their circumstances differed from the rest of India. and while they bear the whole burden, they cannot produce so much money as to meet those expenses which are necessary in view of the defence of India, which is not the concern of one province but of entire India. If any money is required over and above that expenditure for the purpose of protecting the rest of India I think the rest of India will be justified in giving a subvention to the Frontier Province and the Frontier Province will be perfectly justified in demanding from the other provinces some money for a concern which is not their own but of others also. That is the position. I do not think it will serve any useful purpose to the country or of those who have the interest of the country at heart to discuss this question at this eleventh hour in this shape; if they do so they will be doing the greatest disservice if they indulge in this controversy. My advice on this point is that it will be much better in the interests of the Assembly and of the country that this question be not dragged up now; but I will not be averse to this question being discussed thoroughly at a later time at a later stage in some other way . . .

An Honourable Member: After everything is over?

Mr. Muhammad Yamin Khan: It is going to be over and it will not be stopped. With these words I do not agree with the proposal which has been made.

Sir Hugh Cocke (Bombay: European): I move that the question be now put.

Mr. President: On the Order Paper there is an amendment* in the name of the Honourable Member, Rao Bahadur B. L. Patil. Does he wish to move it?

Rao Bahadur B. L. Patil (Bombay Southern Division: Non-Muhammadan Rural): For the reasons stated, I do not wish to move my amendment, Sir.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, the principal question raised by the Honourable Member on my right was that the House had not been given a proper opportunity to discuss

*"That the Demand under the head 'Foreign and Political Department' be reduced by Rs. 1,33,000."

[Sir Abdur Rahim.]

the question of the subvention. His main case seemed to be that a question like this should be brought forward by Government in the form of a Resolution, and in support of his proposition he quoted the opinion of Sir Sivaswami Aiyer, but so far as I could follow him, I do not think that opinion bears upon this question at all. The opinion of Sir Sivaswami Aiyer was to the effect that no province can ask for autonomy or should be granted autonomy unless it is financially self-contained. That is a proposition of a wide character, to which I am not prepared to give my assent, and I am quite sure on a little consideration the House will agree that it is too wide a proposition. We are sure in the near future to have a federal system of Government which will include British India, and I hope British India alone, and in that case it will be the duty of the Federal Government to see that each province is financially self-contained. For that purpose it should be possible for the Government at the centre, which controls the finances of entire India, to see if there is any deficiency in any province, and then to make up that deficiency. I do not think that is a proposition which can be disputed. In the abstract it may be said that,—"If you want to be autonomous, you must be self-contained". But in the circumstances of India, even my friend Mr. B. Das must admit that it is not a practical proposition. For instance, Mr. B. Das himself wants that there should be a subvention granted to his province if that province is separated from Bihar. I am perfectly sure that the House will agree with me that if a proper case is made out for Orissa, there will be no difficulty in granting a suitable subvention for that province. I do not wish to discuss on the present motion the merits of the case of North-West Frontier Province, but the fact must be borne in mind that ever since the North-West Frontier Province was separated from the Punjab and was made a separate province, the Government of India's finances had to bear considerable burdens; as a matter of fact, the amount that has been granted is very much less than what the Government of India have been granting ever since the separation. The Haig Subjects Committee went into the question and proposed a larger grant, and I am not at all satisfied that the province will be able to carry on properly within the limits of the grant of one crore proposed by the Government. I believe the Subjects Committee proposed a grant at present of one crore and 46 lakhs, to be increased afterwards as necessities may arise.

Now, as regards whether the question should be brought up by Government in the shape of a Resolution, I wish that my friend Mr. B. Das had been able to cite some authority. I must admit I have not had the time to study the question myself, and if that is the proper procedure, I am sure the Government should have adopted it or ought to do it. But this much must be admitted by those who have been in negotiations with the Leader of the House as regards the arrangement of business with respect to the Budget and also with regard to other matters, that he was anxious throughout to give full opportunity to the House to discuss this important question

Mr. B. Das: That establishes my case.

Sir Abdur Rahim: Mr. B. Das also knows, at any rate, some Members of his party know, that we of the Independent Party raised no objection to that course, and we were in fact willing to help him

Mr. B. Das: I said that yesterday.

Sir Abdur Rahim: If some of the Honourable Member on his left raised objection yesterday to his proposal, that was no fault of our party. We have strictly abided by the arrangement that was arrived at with the Leader of the House. Therefore, so far as that question is concerned, we cannot be blamed in any way. I do not wish now to discuss the point raised by my friend Mr. Yamin Khan whether the Nationalist Party ought to have taken advantage of the day allotted to them in order to discuss this question

Mr. Muhammad Yamin Khan: I did not say that. I said that the point was raised when we met together that either Nationalist Party should take the opportunity to discuss this question on the day allotted to them or they should forego it. That was our decision. I was entirely for allotting half a day for discussing this question.

Sir Abdur Rahim: I did not want to misrepresent my friend, I support my Honourable friend Mr. B. Das to this extent that for discussing questions of such importance proper opportunity should be given. But as regards the question whether the subject should be brought forward in the form of a Resolution or not, I am not at present prepared to offer any opinion. We all recognise that the Leader of the House was anxious throughout to give a chance to the House to discuss this question properly.

Mr. Amar Nath Dutt: Sir, thirty years ago I remember an Indian politician living in London wrote to a great Indian here stating that we have fallen upon such evil times that Chamberlain is our genius in politics and Rudyard Kipling is our poet. To-day I am reminded of the saying of that great man here, because I see that we have fallen on such evil times within the past two years that we talk of party agreements and party politics only forgetting the higher and nobler policy of those who preceded us in this House. Sir, here every one of us, defying the mandate of the greatest political institution in India has come in, on his own ticket. We know our worth; we know that we do not owe allegiance to anybody save and except probably to ourselves. That being so, I doubt whether it was very wise for such a heterogeneous mass to come to any understanding

Mr. President: The Honourable Member should remember that the House is discussing the question of a grant to the Foreign and Political Department.

Mr. Amar Nath Dutt: Yes, Sir. I oppose this grant, and when I oppose this grant, I must criticise the statement of my Honourable friend Mr. Yamin Khan, the Leader of a great party in this House.—a Leader who has won his laurels both from the Government and probably from the members of a certain community. Be that as it may, he said that the North-West Frontier Province should have a subvention, by which I understand a money aid from other provinces. If that be so, his reasons do not seem to be perfectly clear to me. The reason given is that they are the guardians of the whole of India. In what sense are they the

[Mr. Amar Nath Dutt.]

guardians of the whole of India? (Mr. Muhammad Yamin Khan: "They protect Bengal".) I fail to understand, perhaps save and except that it has got several passes through which the people residing there allow other people to come to the sacred land of Aryavarta and reduce us to the condition in which we are at the present moment. Instead of calling that province the guardian province of this great continent, I say that it is a danger zone, a menace to Indian freedom and liberty, and it were far better if that province was wiped off from the map of India, at least from the map of British India. (Dr. Ziauddin Ahmad: "And made independent".) (Mr. Muhammad Yamin Khan: "And annexed to Bengal".) And annexed to Bengal for cultural needs, because no other province needs moral and intellectual culture more than this province. I claim some experience of the North-West Frontier Province. I lived there in my childhood, and I have seen it in later times also, and I know the people of that province too well. (At this stage there were several interruptions.)

Mr. President: Order, order.

Mr. Amar Nath Dutt: If we are to pay Rs. 146 lakhs for this province, why don't you pay the same amount for the province of Assam for its development? It is all very well to take it from the pockets of Bengal. You have taken income-tax, you have taken jute and everything. It is all very well to pilfer others' pockets and become rich at their expense. It also gives us an opportunity of posing as patriots and benefactors of a certain community. I for one oppose this grant with all the emphasis that I can command, and I will not be a party to it, and if it were in my power I would not grant any such aid to any province whatsoever. Every province should be financially self-contained and able to maintain itself if it wants to participate in the coming federation of India, which my Honourable friend, the Leader of the Independent Party, has foreshadowed in his speech. With these words, I oppose the grant.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): The last speaker has raised an issue which I am sure the people of the North-West Frontier Province would accept with the greatest pleasure. He says that that province should be wiped off from the map of India; it means that it should be made independent. If a proposal of that kind were made, it would receive the heartiest support of the people of that province, but I doubt very much whether my Honourable friend's constituency would return him again. On this issue let us consider the question of the subvention from another point of view. My friend has taken it for granted that we are starting a new province and having a subvention for its extra expenditure. If my Honourable friend has read the book supplied to us, in which a detailed statement of the various expenditure is given, he will find that we are spending on that province already a sum of over one crore of rupees. It is not a new expenditure. It is an expenditure which we have all along been incurring, and the only thing for which the Finance Department is responsible is that they have arranged the figures in a different way; it is only a question of book-keeping; it is only really a question of re-arrangement of budget figures. Therefore, my Honourable friend may raise the issue of the subvention when the constitutional question of India is before the House, but on this particular question, when all that is done is that all the money that

we are already spending and for which we have been voting grant under different Demands is put together under one head,—it is really not a new expenditure, it is really not a new policy; it is not really a new expenditure. Therefore, all this question of a subvention at the present moment to my mind is out of consideration.

Bhai Parma Nand (Ambala Division, Non-Muhammadan): It was given to the North-West Frontier Province when it was under the control of the Central Government, under this Assembly, but it is now a separate province altogether.

Dr. Ziauddin Ahmad: As regards the voting of the Assembly, whatever subvention we can give, we cannot give without the vote of this Assembly. The only question is how that vote is to be given. At present, we are giving the votes under six or more different items,—under the head "Foreign and Political", under the head "Irrigation", under the head "Forest", under the head of "Education" and the various other heads. Instead of giving the votes under various heads, we are only required to give the vote under one head, and I do not see any fundamental point of difference. To my mind all the discussion about the constitutional issue in connection with this matter is out of order; it does not arise. What we are doing now is that we are incurring the expenditure under one head, the North-West Frontier Province. In fact, I raised this question two years ago that we do not know what the expenditure on the North-West Frontier Province really is and we ought to be grateful to the Honourable the Finance Member that he has put all these Demands together under one particular item, and to my mind this is not a new expenditure and it does not raise any question of policy.

Sir Evelyn Howell (Foreign Secretary): I trust you will not regard me as impertinent if I begin my remarks by pointing out, as you, Mr. President, have just reminded the House, that the question before them is one relating to the Foreign and Political Department, whereas the actual subvention comes under a lower head, No. 78, North-West Frontier Province, and if Government had any desire to stifle discussion on the subject, it might perhaps have been possible for me to raise a point of order whether this discussion was in order under head No. 31. That I did not do so I think has proved that, as the Leader of the House has pointed out, Government took a great deal of trouble to give the House every opportunity to discuss this question, a question of the greatest importance and magnitude, and if the House did not avail itself of that opportunity, the Government is not to blame.

My Honourable friend Mr. B. Das has not to-day actually raised the point of constitutional procedure or legality, but a few days ago, speaking in this House, he said:

"The view is authoritatively held in India" (and I hope authority means the Treasury Bench) "that it is not permissible" (he is here quoting from the Simon Commission Report) "to incur expenditure from central revenues on provincial subjects, or to make assignments from central to provincial revenues for expenditure on a provincial subject, except in so far as such expenditure represents payments for services rendered by the Provincial Government."

Sir, the actual facts with regard to the legality of the action taken by the Government, which Mr. Das then impugned, are that under the Government of India Act, section 45A, the Governor General in Council can

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like rules classifying subjects, and it is perfectly true that, when he has done so, he cannot, without making fresh devolution rules, direct the payment of provincial charges from central revenues but under the same system you find that the Governor General have plenary power to allocate revenues or other monies to the Provincial Governments, and there is no inequality whatever in the action which has been taken with regard to this subvention for the North-West Frontier Province.

Again as my friend Dr. Ziauddin has just reminded the House, the amount of this subvention is not new expenditure. Central revenues have been bearing all these charges and in point of fact a great deal more. The amount of the subvention is rupees one crore a year, but the amount recommended by the Haig Committee was, I believe, Rs. 1.17 lakhs, and the actuals of the past few years have been considerably in excess of that figure. There is therefore nothing new about it. It is only to be done for three years or until such time as the new constitution comes into force.

Sir Hari Singh Gour: May I interrupt the Honourable Member? I think the Honourable the Finance Member might be able to make a correct statement. Do I understand it aright that the subvention exceeds by 2½ lakhs of rupees, the amount that was given in previous years. I speak subject to correction, but I hope that the Honourable the Finance Member will be prepared to make a statement in view of the fact that Dr. Ziauddin assumed that the amount of the subvention is exactly the amount that is now given.

The Honourable Sir George Schuster: May I reply to that point? The position is this. The figures that my Honourable friend the Foreign Secretary has given are perfectly correct, but as I explained to the House, we were faced with this position that we had to try to introduce into the expenditure of the North-West Frontier Province a measure of retrenchment which corresponded with that which has been undertaken by the Central Government in their centrally administered areas and by the Provincial Governments on the basis of that reduced expenditure, that is to say, allowing for all the retrenchments which we thought the North-West Frontier Province ought to introduce. The net amount which they would have got from the Central Government would have been 97½ lakhs, but that 97½ lakhs was arrived at after very substantial reductions in the rate of expenditure for the current year. We got to that figure of 97½ lakhs and then in order to give them some margin with which to undertake the additional expenditure, part of which was inevitable when the province was starting, we fixed the amount at the round sum of 100 lakhs. Therefore you can say the position is this, that if the North-West Frontier Province had remained in exactly the same position as it is now, the Central Government would have been expending a net amount of 97½ lakhs on the province. Under the new arrangements, the Central Government will be expending 100 lakhs on the province next year.

Sir Evelyn Howell: I am grateful to the Honourable Member for correcting me, if I was in error, and for giving an authoritative statement on the subject.

and to my starred question No. 13 answered on the 26th January, 1932, and now state what steps have so far been taken to improve the Muslim representation; if not, why not?

The Honourable Sir Joseph Bhore: The attention of the Honourable Member is invited to the replies given by the Honourable Sir A. O. McWatters and the Honourable Sir B. N. Mitra on the 5th September, 1928 and the 30th January, 1929, to starred questions Nos. 72 and 230 of Mr. Anwar-ul-Azim.

Dr. Ziauddin Ahmad: Has there been no change during the last three years?

Sir Joseph Bhore: I think, as a matter of fact, Sir, it was a question of principle that was involved, and the principle is the same.

RETRENCHMENTS IN THE LACHHI DIVISION OF THE NORTH WESTERN RAILWAY.

752. ***Mr. M. Maswood Ahmad:** With reference to the reply given on 22nd February, 1932, to my unstarred question No. 84, will Government be pleased to make a reference to the Division concerned and give answers to the point to parts (b), (c) and (d) thereof?

Mr. P. E. Rau: The information available shows that on the North Western Railway as a whole the general instructions of the Railway Board were satisfactorily complied with. Government regret that they are not prepared to make special enquiry concerning particular Divisions. I would however refer the Honourable Member to paragraph 11 of Mr. Hassan's Report.

Mr. M. Maswood Ahmad: Sir, the reply is not to the point. The question is, is it a fact that no regard has been paid to safeguarding the interests of communities not adequately represented at the time . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member can only ask a supplementary question.

Mr. M. Maswood Ahmad: Do you think the answer is to the point?

Mr. P. E. Rau: Yes, Sir.

MUSLIMS PROMOTED TO THE SUPERIOR REVENUE ESTABLISHMENT OF THE NORTH WESTERN RAILWAY.

753. ***Mr. M. Maswood Ahmad:** Will Government please state:

- (a) the number of Muslims and non-Muslims promoted to the Superior Revenue Establishment of the North Western Railway from the subordinate service during the last three years;
- (b) the number of these in the Personnel Branch of the service; and

the number of Muslims and non-Muslims of the superior revenue establishment reverted from the Personnel Branch of the service during the year ending 29th February, 1932?

Mr. P. R. Rau: (a) During the last three years two subordinates on the North Western Railway have been promoted permanently to the Superior Revenue Establishment of State Railways. Neither was a Muslim.

(b) One of these is at present filling the post of an Assistant Personnel Officer.

(c) Government have no information.

MUSLIMS APPOINTED AS PERSONNEL OFFICERS ON THE NORTH WESTERN RAILWAY.

754. *Mr. M. Maswood Ahmad: (a) Is it a fact that when replying to the questions of an Honourable Member in February last as to the number of Muslim officers appointed as Personnel Officers, Government stated that 4 Muslims were appointed as such?

(b) If so, will Government please say the transfer of an officer from one Department to another means an appointment? If not, will Government please say if it is a fact that only one Muslim subordinate was given a chance to officiate as Assistant Personnel Officer in the Mechanical Workshop Division who has been reverted, otherwise there was no such appointment?

Mr. P. R. Rau: (a) I presume the Honourable Member has in mind Sir Alan Parsons' reply to Mr. Muhammad Mdazzam Sahib Bahadur's question No. 673 on 7th March, 1932, in which it was stated that the information available showed that on 1st December, 1931, 4 posts of Personnel or Assistant Personnel Officers on the North Western Railway were filled by Muslims.

(b) As explained in the reply referred to above, posts of Personnel and Assistant Personnel Officers are as a rule filled by officers of the Indian Railway Service of Engineers or the various branches of the Superior Revenue Establishment. About the latter part of this question Government have no information.

Dr. Ziauddin Ahmad: Sir, I did not catch the reply to this part of the question, that is to say, whether the transfer of an officer from department to another is supposed to be a new appointment. What the reply to this part?

Mr. P. R. Rau: Not usually, Sir; but since there is no regular service of Personnel Officers, appointment to the personnel branch means that an officer already in the service is posted to that particular branch.

ALLOWANCES OF TRAFFIC RELIEVING STAFF OF THE EASTERN BENGAL RAILWAY.

755. *Mr. N. M. Joshi: (a) Will Government be pleased to state if it is a fact that the Traffic Relieving Staff of the Eastern Bengal Railway have to work out of their headquarters station? Are Government aware that this involves their keeping establishments both at the headquarters and the stations?

(b) If so, will Government be pleased to state on what grounds their allowances are reduced from 35 days' full allowance to 10 days' full allowance, 20 days' half allowance and no allowance thereafter? For what considerations were these allowances given?

I was on the point of saying that I do not think there is any general disposition in any quarter of the House to question the necessity for doing something in the nature of that which has been done. Clearly, Sir, the North-West Frontier Province could not be deprived of its heritage very much longer. We have heard from all sides the necessity for training that province in matters of controlling its own destiny, matters of reforms in fact, exactly on the same footing as the other provinces. It is a part of British India, it clearly has a right to do so, and it has been found in the light of past experience quite impossible for it to do so solely from its own resources. The Haig Committee went very carefully into this point and you will see that its conclusions were that the province could not be expected to be self-supporting for various reasons—because of its size—it is such a small unit of administration compared with the other provinces,—because of its situation, right up on the Frontier where beyond a certain line you get into tribal territory, where there is no taxation and no law and no order, and also because of its great intrinsic importance, by which almost every question that arises in that province has a knack of developing with extraordinary rapidity into an all-India question, in which all parts of the House are vitally interested. I do not think that there is any general desire on the part of the House to know exactly how this crore is to be allocated when the province has got it, but I have no doubt that the Honourable the Finance Member will be able to answer that point better than I can. I therefore say nothing more than simply ask the House "What else could Government have done, than that which they have done?"

There was one other point which my friend Mr. Joshi raised, but I am not sure that I should be in order now in answering his question about labour representation in the North-West Frontier Province, and I therefore will not trespass into that field unless you give me permission to do so.

Mr. President: The Honourable Member can reply to that point, if he wishes to and the Chair will not object.

Sir Evelyn Howell: Mr. Joshi's point was that no provision had been made for the representation of labour in the North-West Frontier Province Council.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): There is no labour there.

Sir Evelyn Howell: My friend Mr. Kābiruddin has given the first point of my reply. There is no labour. The Royal Commission on Labour did not think it necessary to visit that province. It is true that there are a number of labouring persons there, as in any other country in the world, and when the framework of the Provincial Council was being considered, attention was drawn to that point and the local authorities were consulted. The unofficial Committee which the Chief Commissioner nominated to consider the matter also gave it their attention and recorded the opinion

Mr. N. M. Joshi: May I ask whether there was any representative of labour on that unofficial Committee or whether the Committee consisted only of landlords and capitalists?

1926 Sir Evelyn Howell: It consisted of the gentlemen whom the Chief Commissioner thought proper to consult. Whether there was any representative of labour or not I do not actually know, but I dare say not. Now, they decided that it was unnecessary and therefore the point was pressed. The third point is that even in the Punjab, which is much advanced than the North-West Frontier Province, there is, I believe, actual labour representative in the Punjab Council, and the North-West Frontier Province has been clamouring for a long time past to be like the Punjab in all possible respects. Lastly the point made by my friend Mr. Shi, with which I have a great deal of sympathy, is being brought to the notice of the Franchise Committee, which is about to visit the North-West Frontier Province, and I have no doubt they will look into the matter while they are there.

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): I very much welcome this opportunity of discussing this question. There is not the least intention, as Sir Hari Singh Gour seemed to suggest, of shirking or thwarting discussion on this issue. I believe that there is such an overwhelmingly strong case for the subvention for the North-West Frontier Province that we should not be afraid of the subject being discussed in all its aspects. We are grateful to Mr. Das for bringing this issue before the House. His perseverance has prevailed and we have got an opportunity of discussing this important subject, just on the eve of the introduction of reforms in the Frontier, it is necessary that this House should examine the constitutional question of the extent of the responsibility of the Central Government towards the finances of the North-West Frontier Province and the manner in which they intend to discharge it.

Before I say anything on the question of the subvention, I want to impress one very fundamental fact on the Members of this House, the fact which there is a tendency to ignore. When this province was created in 1901, it was not created in response to any demand for a separate province. It was created on the ground of Imperial policy in all-India interests and it is being maintained as a separate province, not to satisfy the aspirations of the Frontier people, but it is being maintained as a separate administrative unit in accordance with the general scheme of Frontier policy of the Government of India. Now having created that province, having created the child, the Government of India cannot ignore its responsibility for its maintenance. (Mr. Gaya Prasad Singh: "What about other provinces?") It has attained to political adolescence now and it is demanding some freedom and autonomy in the management of its own affairs, but that is no reason why it should be deprived of its rightful inheritance. The fact that from being a centrally administered area it is now being transformed into a political unit with control of its own Budget does not alter the material circumstance of its strategic position and its special claim on the Government of India. To create the province on the ground of Imperial necessity, and then to ask it to stand on its own legs, to be self-supporting, to bear unaided the heavy burden of overhead charges of a provincial administration is most unfair. If the province has been created to serve Imperial needs and purposes, the Central Government must bear the necessary cost of the administration. I may remind the House that the Bray Committee, while it recommended the introduction of reforms into the Frontier province, said that its finances ought to be an Imperial charge.

Now, Sir, as regards the subvention, it seems to me that there is a curious misunderstanding on the part of some Honourable Members as to the true character of the subvention. Some of my Honourable friends seem to be under the impression that because of the introduction of reforms into the Frontier province, the Government of India are going to make a gift of a crore of rupees to that province to balance its Budget. I can assure my friends, Sir, that the Government of India is not paying one single penny more than what they have been paying for the past so many years, and, if anything, they now propose to pay very much less. As regards paying a contribution for its deficits, they have been paying that contribution for the last 30 years; there is nothing new in it, and it is not a new departure. (Mr. Gaya Prasad Singh: "But we have been controlling the administration.") I am coming to that. Sir, this subvention is nothing but our old ugly friend "Contribution to deficits" dressed up in the bridal robe of a subvention.

My Honourable friend, Sir Hari Singh Gour, has said, we are paying 2½ lakhs more than we have been paying during the previous years. I shall give you the figures for the previous years. Sir, taking the central and the provincial heads of expenditure together:

In 1927-28, the deficit was 206 lakhs,

In 1928-29, the deficit was 231 lakhs,

In 1929-30, the deficit was 254 lakhs,

In 1930-31, the deficit was 290 lakhs.

Now taking the expenditure on the provincial heads alone:

In 1930-31, the deficit was 129 lakhs;

and in the Budget estimate for the year 1931-32 provision was made for a deficit of 104 lakhs, and this subvention is only for a crore this year.

Now Honourable Members must not run away with the idea that the Government are paying all this money for the uplift of the province. Nothing of the kind! In the year 1929-30, if you turn to the Administration Report of the North-West Frontier Province you will find that the Government of India spent on the Frontier Watch and Ward 145 lakhs, under Political 24 lakhs, under Police 29 lakhs, under Education only 19 lakhs, under Medical only 6 lakhs and under Public Health the paltry sum of Rs. 1,05,000.

Now the only difference between the payment of a contribution in previous years and the subvention on the present occasion is this, that while in previous years the expenditure was being sanctioned by the Central Government or the Central Legislature under different sub-heads, this year they are placing at the disposal of the North-West Frontier Province a lump sum which is calculated according to the Budget figures of the previous years. This, Sir, is only a natural corollary to the introduction of reforms into the Frontier Province. The Haig Committee recommended that this subvention ought to be deducted to be a source of the provincial revenue under Devolution rule 14 and it ought to be made a statutory charge. The North-West Frontier Province Sub-Committee of the Round Table Conference also made a similar recommendation, I shall read out the recommendation of the Sub-Committee:

"This Sub-Committee is satisfied from the figures placed before it that under the subjects which will be expected to be classed as provincial this province will show a large financial deficit. It follows that the Provincial Government will require financial assistance from central or federal revenues. The Committee suggests that there should be a

[Mr. Abdul Matin Chaudhury.]

...liminary expert investigation into the allocation of expenditure between the central and provincial heads to supply the basis from which the financial subvention from central federal revenues may be calculated. This Sub-Committee apprehend that if the subvention be paid annually by the central or the provincial legislature, the substance of provincial autonomy in the province will be impaired. It suggests that that difficulty might be met by an agreed convention that each financial assignment should remain undisturbed for a number of years."

Now my friend, Mr. Gaya Prasad Singh, asked me why should we pay the subvention while we place the administration and the expenditure of the province under the control of the provincial legislature. Sir, this question surprises me. So long as this irresponsible bureaucracy was controlling the finances of the province and spending crores of rupees, to pay the deficit every year not a word was uttered by my Honourable friend.

Mr. Gaya Prasad Singh: "But this House was controlling the Budget." And now when our own countrymen in the new Frontier province are going to control it, a hue and cry is raised.

Now, Sir, with regard to the amount of the subvention. If the House accepts the position that the Central Government have got the responsibility for the finances of the North-West Frontier Province, let us see how they propose to discharge it. In my opinion, Sir, the subvention is totally inadequate for the requirements of the province. (Hear, hear.) The Haig Committee suggested 117 lakhs as the basic figure for this subvention. They calculated it on the basis of the existing revenue and expenditure and the normal growth of expenditure. This did not take into account schemes of educational expansion or sanitary improvement which the Government had pledged to undertake, but taking all these schemes together they recommended not 117 lakhs, as my friend, Sir Evelyn Howell, said just now, but 146 lakhs which had to be increased every year by 4 lakhs till it reached a maximum of 162 lakhs. That is the position.

Now a word about the need for this excess grant. In the Summer of 1930 a deputation of the frontier people waited on the Chief Commissioner of the North-West Frontier Province to impress upon him the necessity of incurring more expenditure on the nation-building departments and to bring the administration of the province into line with that of the Punjab. The Chief Commissioner assured them that he would aim at securing for the province the same standard of administration as that which obtained in the Punjab. He also assured them that their standard of taxation would not be higher than in the Punjab. Now, Sir, in education the Frontier people are very much behind those of the Punjab. I will give you some figures from the report of the Hartog Committee. During the years 1917-22 the total number of male pupils in the recognised institutions has increased in the Punjab by 33.8 per cent. and in the North-West Frontier Province it has increased by 18 per cent. Between 1922-27 it has increased in the Punjab by 103 per cent. and in the North-West Frontier Province it has increased by 26 per cent. Between 1917-1927 it has increased in the Punjab by 172 per cent. and it has increased in the North-West Frontier Province by 48 per cent. As regards the total number of pupils in the recognised schools, the percentage of increase in the Punjab between the years 1917 and 1922 is 31.3 per cent; in the North-West Frontier Province it is 19 per cent. Between the years 1922 and 1927 the increase in the Punjab is 96 per cent. and the increase in the North-West Frontier Province is 27 per cent. Between 1917 and 1927 the increase in the Punjab is

128 per cent., in the North-West Frontier Province it is 53 per cent. As regards the total number of recognised institutions in the province, in the Punjab the increase has been between the years 1917 and 1927, 115 per cent., and in the North-West Frontier Province the increase has been only 9 per cent. As regards the direct and indirect expenditure on the recognised institutions in the province, the increase in the Punjab between the years 1917 and 1927 has been 164 per cent., whereas in the North-West Frontier Province, it has been 101 per cent. Then, Sir, if we take the proportion of the male scholars to the total male population, the percentage in the Punjab is 10 per cent., whereas in the North-West Frontier Province it is only 6 per cent. From these figures it will appear to the House that the Frontier has still a great leeway to make up as regards education. Still, in this subvention the Government make no provision for the educational expansion in the province. Therefore for the two or three years that the subvention will remain in existence, the nation-building departments will be starved.

Now, Sir, let us see what the Financial Secretary has said about the subvention. In the Explanatory Memorandum circulated to the Members by the Financial Secretary, he says:

"The North-West Frontier Province Subjects Committee also listed a large number of projected schemes of expansion involving recurring and non-recurring expenditure, which it presumed would be taken into account by the Government of India at the time of determining the amount of the subvention. In the present state of the finances of India and of the world it is impossible for either the Central Government or any Provincial Government in India to contemplate embarking on an ambitious programme of expanding activities, and it has had to be recognised that these could find no place in a subvention which is to operate at the most for the next three years."

Sir, here the Financial Secretary is looking at the problem merely from the point of view of an accountant. He has ignored the wider and the more vital aspect of the question. To spend money in order to bring the primitive and warlike people of the Frontier within the orbit of modern civilisation may ultimately prove more economical than the Financial Secretary seems to realise. One school established, one hospital opened will in the long run lead to one military post closed in the Frontier. In this connection, I should like to read out to the House an extract from the evidence given by Sir Denys Bray before the North-West Frontier Sub-Committee of the Round Table Conference. This is what Sir Denys Bray said:

"It would be, for instance, a grim thing if the future Minister for Education were suddenly to say 'The pressure on our own schools is so great that we cannot find any room for these trans-border fellows'. Similarly, with our hospitals. We have just built magnificent hospital in Peshawar. The Government of India were induced gradually and under great pressure to make an adequate subvention towards it, and"—(I would draw your special attention to this sentence, Sir)—"the argument I had to use the whole time was that this hospital is serving all-India interests. We want it to be open to the trans-frontier men. There is no greater civilising influence than a good hospital. Its influence will extend far beyond Peshawar into the trans-frontier and beyond into Afghanistan."

What I am trying to suggest is this. All-India has great interest in the Frontier Province. It is right therefore that All-India should foot a very large part of the Frontier Province Bill. It is doing it now. It will have to do it under whatever regime it is set up."

Now, Sir, the Government of India are not only cutting down the expenditure of these nation-building departments but they are doing something more. As the result of their mal-administration all these years, they are leaving to the reformed Frontier Province a legacy of 10,000 Ordinances

[Mr. Abdul Matin Chaudhury.]

prisoners. These prisoners will have to be fed and clothed out of the denuded resources of the Frontier Province. The Frontier under the reforms will be financially in a very much worse position than it was in Sure-reform days. The inadequacy of funds will hinder the development of the Province. And like the magician who produces rabbits out of empty hats, the Minister will be expected to produce progress and prosperity out of the empty exchequer. He is bound to fail and the result will be that people will come forward and say that the reforms in the Frontier have been a failure. If the Government are desirous of making them a success, then I think they ought to take the earliest opportunity of revising the subvention and fix up the amount at the figure suggested by the Haig Committee.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): Sir, I thank all the Members who have taken part in this important question of the subvention. To me it seems that many Members who have opposed the subvention have trodden over the old ground and used the same old arguments which we have been hearing for the last ten years. Every objection that has been raised has already been given a very good reply several times. So, there seems to be nothing new on which I should like to give any reply to those who have opposed and criticised the subvention. So far as the technical side is concerned, the Government Member has given a full reply. The main point to which I would respectfully like to draw the attention of the House is that it is not right on the part of Honourable Members to deprive us of the right to govern ourselves when the province is going to be raised to the status of a Governor's province and when we are about to be given a full share in the responsibility of expenditure there. Honourable Members know very well that this is the smallest amount of money which we are going to get this time. There was no objection taken when the province was given a greater amount of money. However, I do not wish to create any controversial question but I should like to tell the House the plain fact that most of these arguments were based simply on communal lines. (Voices: "Not at all.") If that is not the case, I think the Honourable Members ought to have said that objections were raised in a technical way and not to deprive the province of its rights.

I am glad that some Honourable Members support the principle of giving the subvention to my province, but some for the sake of 1 P.M. procedure want to oppose the subvention.

An Honourable Member: Nobody opposed.

Major Nawab Ahmad Nawaz Khan: My Honourable friend, Mr. Amar Nath Dutt, opposed it. He spent his childhood there and perhaps the general impression of childhood is sweeter, but the impression of his childhood is quite the reverse. He wants to take revenge for it in his advanced age. If you compare the N. W. F. P. with any other province you will find the services that the people are doing to India and to the British Empire—this word may please somebody or it may displease some others which I do not mind—the services that we the people in the

N. W. F. P. are doing to Government and to the peoples of India are very great. If you go there and see things for yourself, you will come to the conclusion that the Government have not wasted money on that province. Unquestionably it is a Muslim province. I cannot deny it. But that Muslim province is a source of great help to the Imperial policy of Great Britain and for the good and for the safety of the British and the Indians in the British Empire. The great help that the people are giving is the result of the good treatment of the British officers there. We do not want any other rule there except the British rule. I may clearly say that even if the King of Afghanistan or the King of Persia were to ask us to come under their rule, we will refuse to do so. Our loyalty to the British is a source of safety for India. If the people of N. W. F. P. had liked to come under any other rule than the British, it would have been then a source of great danger to India both internally and externally. So far as I know the province is loyal to the Government and to the interests of the Indian nation comprised of all classes and communities. I do not want to speak only about Muslims. My Honourable friend Bhai Parma Nand, who is sometimes accused, or shall I say honoured, by being described as an advocate of communal questions and interests, must be thankful of the poster or advertisement that I gave him yesterday. In the N. W. F. P. we, the Muslims, are very friendly to other communities and we look after the interests of the non-Muslim communities there. In an informal Committee where I was a Member I pressed that the fifth seat should be given to the Hindus. I asked my friend Sir Abdul Qaiyum to join with me in the request, and he did so, with the result that the fifth seat was obtained for the Hindus. But one thing I must make plain, and that is that we all wish to remain under the British rule. We cannot join and we have not joined and we shall never join any anti-British movement or with any anti-Government movement there.

Sardar Sant Singh (West Punjab: Sikh): Even if the Government are unreasonable?

Major Nawab Ahmad Nawaz Khan: It is all a legal quibble, my dear friend. I can give you a reply.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member has got into the habit of addressing individual Members. He must address the Chair.

Major Nawab Ahmad Nawaz Khan: You allow other Honourable Members break the rule. When they break it, I have also to do the same.

Mr. President: The Honourable Member should always address the Chair.

Major Nawab Ahmad Nawaz Khan: With due respect I shall obey. I was saying that we, in the N. W. F. P., are doing very great service to the safety of the Indian Empire. If the people there had liked to join they would have joined the independent tribes whole-heartedly with any movement that was anti-Government or anti-British. Then you would have seen lakhs and lakhs of Indian money, rightly or wrongly, poured into the

[Major Nawab Ahmad Nawaz Khan.]

N. W. F. P. and also thousands and thousands of soldiers rushed from every Cantonment of India for the safety of India. You would have found thousands of people killed there. I was in London last year and I was thankful, along with many other friends, that the King of Afghanistan was just and neutral towards us. When there was the Congress movement launched all over the province and when the organizers of the movement were trying their best to obtain recruits to their movement, there was no response from the people. On that occasion if the King of Afghanistan, or some independent tribes, had shown the slightest activity against you, it would have been found that munitions and soldiers would have been brought in there from many places making these camps big like Delhi. It was on account of the wise policy of the British Government in spending lots of money there as to make the people there friendly and loyal to the British rule, it was on account of this policy that the people are of peace-loving habits. You should never say for a moment that money is wasted there or that money is spent recklessly.

An Honourable Member: What about Ordinances?

Major Nawab Ahmad Nawaz Khan: If it is not irrelevant, I am ready to reply to any question my dear friend.

Mr. President: The Honourable Member should address the Chair.

Major Nawab Ahmad Nawaz Khan: Sir, if I may give a reply, with your permission, to my Honourable friend, I will say about the Ordinances, that they are the very things we want. By these Ordinances, the Government have averted a lot of trouble to the public from the Congress, which has been conducting a lot of harmful propaganda against the Government there. We could not control the people there, I mean the riff-raff, but not the gentlemen there. I do not care to discuss that question at any further length, but I come now to the question of the subvention. Having full regard to the interests of retrenchment, the Honourable the Finance Member has given us only this amount. It is much less than what the Committee recommended. However I am thankful to Government for this subvention and I will be thankful to the House if they grant this subvention without division and without further criticism.

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

The Assembly re-assembled after Lunch at Twenty Five Minutes to Three of the Clock, Mr. President in the Chair.

Mr. B. N. Misra (Orissa Division: Non-Muhammadan): Sir, with regard to this controversy, I have to say a few words. Much has been said about the subvention to the North-West Frontier Province and about Orissa. I am not speaking in a spirit of envy because the Frontier Province got it, but in a different spirit. Probably, Sir, you know the custom in Indian dinners of *Bhojanasabha*, where you don't ask for the food yourself

directly, but you ask that it should be brought to your neighbour-guest so that you may be served. That is the spirit in which I speak now and not in a spirit of opposition because a subvention has been given to the North-West Frontier Province. Much has been said about that province. It has been said that that province protects India from foreign invasion. Sir, our own memory is very treacherous and it is our greatest enemy. It may not be known to all that my province of Orissa is the Middle Eastern Frontier Province. Before Christ, about 200 B. C., it was King Kharabela and King Raktabahu of Orissa that saved our country, India, when there was an Ionian invasion from the seaside, and prevented them from entering the country. Sir, I think I can claim with greater force that if there is a Frontier Province which has saved India from foreign invasion it is my province of Orissa, which prevented the entry of foreigners through the sea. My Honourable friend Mr. Yamin Khan spoke of the North-West Frontier Province as the guardian angel and all that. The fact remains that all the Muhammadan invasions and other invasions were made through that country, which allowed invaders to come in from that side. But it is my province which protected India from all the invasions and attacks from the seaside. Even very recently during the German War the German battleship "Emden" came and shelled Madras and when it came to Puri it was stopped. Of course people who are superstitious say that it was the Lord Jagannath who is not the god of any single province or community, but the Lord of the Universe, that stopped it, but the fact remains that its further progress was stopped near the Puri coast. So even very recently foreign invasion was prevented. Therefore I say that Orissa should be treated as a frontier province,—the Middle Eastern Frontier as I call it. It is that province which requires protection, but the attention which has been paid to that province is well-known to all. Sir, the Government deserve our thanks for they have appointed a Committee for the formation of a province. But, Sir, they have done it in a very half-hearted manner. Sir, mark the wording of the reference to the Committee, "If an Oriya Province is to be formed what will be the boundaries of the province and what will be its effect on other provinces". Sir, mark that small word "If". If the Government have not after 30 years of struggle decided to have a province, what is the use of finding out all this about boundaries and so on? Was it done in the case of the formation of the Provinces of Bihar and Orissa and Sind, etc.? This is a stepmotherly treatment to Orissa and shows that Government have appointed this Committee with great reluctance as a show. Sir, if they have not made up their mind why have they brought a man from 6,000 miles away as a member, and one gentleman from Assam, and a millionaire from Bombay? When they have to make a province, they should do it well, not in this half-hearted manner. Say definitely without "If".

Mr. President: Order, order. The Honourable Member is speaking on the Foreign and Political Department and he is hardly in order in discussing the formation of the Orissa Province.

Mr. B. N. Misra: Sir, I am talking of the middle Eastern frontier and it deserves attention. The other day His Excellency the Viceroy in addressing us spoke as follows:

"The course suggested is the grant of a Central subvention to the North-West Frontier Province. The need for such a subvention and its probable amount are under inquiry by my Government. It is our intention to consult the Indian Legislature when the details have been worked out."

[Mr. B. N. Misra.]

Sir, I am speaking about the Government's attitude. His Excellency did not speak a word about Orissa, and the Foreign and Political Department have not treated the case of Orissa with as much attention as they should have done. I think when my turn comes, I shall speak about that also; but I say they have not paid as much attention to the middle Eastern frontier, though they have paid a great deal of attention to the North-West Frontier. I think the middle Eastern frontier deserves more attention from other parts of India and other parts of India must remember that my province has done more than the North-West Frontier has ever done. I began by saying that memory is treacherous; the past is always forgotten; past gratitude for benefit received is always forgotten; people deal with the present; but I hope my friends will remember when the claim of Orissa is pressed.

Several Honourable Members: The question may now be put.

Mr. President: I accept the closure. The question is that the question be now put.

The motion was adopted.

The Honourable Sir George Schuster: Sir, I do not intend to trespass very long on the time of the House in dealing with what has passed in this debate. You, Sir, according to this House a very full latitude, have in fact allowed the question of the subvention to the North-West Frontier Province to be somewhat fully discussed on this vote of 7 lakhs for the Foreign and Political Department. We on these Benches really welcomed the line which you allowed the House to take; but I must crave a certain amount of indulgence from the House in that I had not myself expected that this question would be fully debated this morning and that my opportunities for collecting my papers in the luncheon interval were interrupted by other and more pleasurable occupations. I trust the House will take that as some explanation of my not dealing very fully with this subject. In any case I think it would have been difficult to attempt any full exposition now. In the first place I would like to congratulate my Honourable friend Mr. Das on the success which he has in the final end achieved in getting this subject discussed. I understand my honourable friend had perhaps a double motive in moving as he did in this matter, and I think I can sympathise with him in both sides of that motive. In the first place, I think he wished to ensure that a matter of great public interest should be brought before the House for discussion. In the second place, he desired somehow or other—I am not quite sure by what exact lines—but I feel sure he desired somehow or other—to peg out a position which would in future be favourable to his own beloved province of Orissa. I am sure we all of us sympathise with the Honourable gentleman and with the Honourable Member who has just spoken in their affection for their motherland; and if they can benefit that part of India without casting an unduly heavy burden on the rest of India, I am sure we should all welcome their success.

I think the House has already had put before it a full account of the attitude which the Government have taken in this matter, and I feel sure that all Honourable Members are satisfied that it was our earnest desire to give the House an opportunity for discussing this very important question. We did consider very carefully how it could best be brought up; and whether

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Mooltan jail particularly, we have seen from the papers, that political prisoners were placed alongside of prisoners suffering from tuberculosis, and in spite of protests on this score, political prisoners are still sent to Mooltan jail. How detrimental such an association will be to the health of political prisoners, will be clear from the news sent by the correspondent of the *Tribune* and published in its issue of the 5th March:

"Tubercular patients in Multan Jail.

Danger to political prisoners.

T. B. cases should be segregated.

In the New Central Jail, Multan, there are a large number of ordinary prisoners suffering from tuberculosis. This is a great danger to A and B class political prisoners and State prisoners who are in that jail and who are putting up in the neighbouring barracks. The political prisoners, it is reported, have made a request that prisoners suffering from the above disease should be transferred from that jail.

Besides the Multan Municipality considers the presence of such a large number of such patients so near the city as a danger to the public health of the town, especially in view of the fact that the death rate from this disease in Multan is already alarming. At a meeting held on the 29th February, it passed a resolution asking the Punjab Government to kindly see that tuberculosis patients are removed from this jail.

It is hoped that higher authorities will take immediate action in the matter and order the transfer of all patients suffering from this disease from the Multan jail. In the interest of prisoners suffering from consumption as well as in the interest of other prisoners it is necessary that T. B. cases should be segregated and kept in a separate jail."

The prisoners have also made a representation separately complaining about their being grouped together with prisoners suffering from tuberculosis, and I do not wish to dwell at length on what we read this morning in the papers about the forcible transfer of lady prisoners from Delhi, because it will come under a motion for adjournment next week, but the news was very depressing indeed and showed in what savage manner even the lady political prisoners, highly respectable, A class lady prisoners, are dealt with by the police.

Now, I come to other happening more or less of the same kind. In Madras we have heard of Dr. Paton, and even the Secretary of State has expressed regret over the incident, but we have never heard any regret expressed either by the Madras Government or by the Government of India. Mrs. Gandhi had been placed in C class, now altered into A class, similarly Mrs. Shyamlal Nehru, wife of an ex-M. L. A. and a relation of Pandit Motilal Nehru is also treated in the same way. (An Honourable Member: "Mrs. Jamnalal Bajaj.") And here I am reminded by an Honourable Member that Mrs. Jamnalal Bajaj is also similarly treated. Sir, if this is the way in which the Government of India are carrying out the administration of the Ordinances, ordering *lathi* charges and opening fire almost every day at one place or the other, if this is to be called moderation and restraint, then I do not know what they will do when they give up that moderation and adopt really extreme measures. The next step will be to resort to artillery and machine guns. I hope that such a thing will not happen. Not only in carrying out the administration of the Ordinances.

3 P.M. the mentality of the Magistracy and the police has undergone a great change, but even in other spheres of life a feeling of hatred is shown by those in authority. An incident recently took place in the place which I represent but where I do not any longer live, I mean Ferozepore. There was a meeting of the District Board at which the

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Deputy Commissioner who is the official Chairman was present and the meeting was held on the 6th of January. We carried a proposal as a measure of retrenchment and decided to dispense with the services of all persons who have served 25 years or are over 55 years. We did not mean to apply the rule to any particular individual, but it was intended to apply to all persons who were above 55 years of age, though among them was a favourite of the Deputy Commissioner. We have an official Chairman. In Punjab we have not the privilege of having even an elected Chairman of the District Board even though local self-government has been a transferred subject for the last 12 years. That motion was carried. The Deputy Commissioner did not take any objection. But on the 6th evening or the 7th morning we saw promulgation of the Ordinances. The next meeting was held on the 6th February and the Deputy Commissioner, without any previous notice to the Members and on that very day when we entered the hall at 11 o'clock, put on the Agenda Paper a resolution rescinding our resolution of the 6th January. That was the mentality brought about by the Ordinances. Next to me was sitting a member of the Punjab Council, an advocate of long standing, the Vice-President of the District Board, but a nominated member. I was sitting next to him and the Deputy Commissioner was near him. The Deputy Commissioner told him, "I ask you to support this resolution and vote for it". He asked, "Why? Is it an order?". In the hearing of everybody in the District Board hall, he said, "I order you as a nominated member to support and vote for this resolution". That is the way in which the magistracy change with the issue of the Ordinances by the Government. On the previous occasion we discussed the matter at great length, and we carried the motion by an overwhelming majority—out of 40 members we carried it by a majority of 13 or 14. At that time he was quiet and did not do anything. That is the way in which the magistrates change with the issue of these Ordinances. In the jails in the winter of January and February, they had just a barbed wire compound, and tents which the military considered unfit for further use were pitched there, and the political prisoners were put in there with one blanket on. I myself went to the jail, the Superintendent was there, the Magistrate too, and the Public Prosecutor who was coming there to a case in the jail. There the prisoners said, "Sir, we get only two *chappaties* a day which are not sufficient, and the food is not good". Those are the complaints of people who are in the jails which are administered by the Home Department here and the Home Departments in the provinces. Even though they are administered by the provinces, the ultimate responsibility is here, as jails are still a reserved subject. Even Lord Lothian said in the House of Lords that repression is no remedy. Political discontent needs political cure, but the noble Lord's agents in the Government of India appear to think otherwise. Not only that, even Mr. Ramsay MacDonald has said the same thing, but here not only do they consider repression a remedy, but the administration of that repression goes beyond the limits of any civilised humane treatment. A few days ago we had continuously *lathi* charges in the Chandni Chowk. I myself, like my Honourable friend Mr. Gaya Prasad Singh, happened to visit those places. The policemen with regulation *lathis* fell upon the crowd like vultures. They even came to the other side of the Clock Tower though people were collected only in the compound of the Municipal Hall.

appeared to a disinterested spectator that the police had almost run amuck, but the Home Member protested in this House that they are doing these things with the utmost moderation and restraint and that the minimum of force was being used. But people go to the hospitals with serious injuries inflicted upon them by the *lathi* blows dealt by these policemen. More bamboo pulp is used for paper, I think the Government of India may be at a loss to get *lathis* enough in India to beat the Congressmen; they may have to import them, because bamboo will be very much in demand for paper. (Laughter.) Sir, Mr. Lloyd George also has laid down that the wishes of the inhabitants must be the supreme consideration. It is applied even to countries like Africa. But here when we want self-determination, we are considered as agitators; we are considered as breaking law and order, and we are treated as rebels and beaten with *lathis*. Is that the way in which the Government, which claims to have come to India for giving law and order and to bring us to a realisation of self-government, should behave? I am at a loss to understand why that should be the treatment meted out to a constitutional movement like the one which the Congress has launched. How can we, on these sides, at all, bring ourselves here as the representatives of the people, be parties to voting supplies to a Government.

Mr. President: Will the Honourable Member speak a little louder?

Sirdar Harbans Singh Brar: Yes, Sir. This morning we heard from the gallant Member from the North-West Frontier Province that the people of that province like the Ordinances and that they are welcome to them.

An Honourable Member: It is his personal opinion.

Major Nawab Ahmad Nawaz Khan: I said for law and order.

Sirdar Harbans Singh Brar: Not many days ago we heard from an equally important authority, I mean Maulvi Muhammad Shafee Daoodi, one of the leaders of the Muhammadan community (An Honourable Member: "He is not.") Nobody can deny it. (A few Honourable Members: "We deny it.") Sir, he went to the North-West Frontier Province at the invitation of His Excellency's Government and made enquiries into the administration of the Ordinances. What he said is in complete contradiction of what the noble Nawab from that part of the country has said. Maulvi Muhammad Shafee Daoodi said:

"I came close to some young men and I found that they had a much more sorrowful story to tell. They said:

'You have come at the right moment. We are stripped naked, beaten, practically to such a degree that we are not able to move about, and then we are put in cold water'."

That is the way the people have described the administration of the Ordinances and how they welcome it and I had it on the authority of Sir Abdul Qaiyum that the younger generation in the Frontier do not like it. The noble Nawab may have welcomed it, but he has no authority to speak for the people of the Frontier as a whole. (Major Nawab Ahmad Nawaz Khan: "The majority welcome it.") Government must realise that the people who were considered the stand-by of the Government, their families have now joined the movement and have gone to jail. That should be an eye-opener to the Government, that the movement is not restricted to that one great organisation known as the Congress. Even persons outside it who were considered the stalwarts of the Government, the members of their families have gone to jail. As I see from the papers, a daughter-in-

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law of the late Sir Ganga Ram has gone to jail. The son of my friend, Mr. Bhagat Ram Puri, M.L.A., has gone to jail as dictator of the Lahore Congress. When people like this join hands with the Congress to demand from the Government the right of self-determination, the right to have their own Government, then Government should realise that the movement is widespread and has been carried to every homestead throughout the length and breadth of the country. If the C. I. D. is efficient, then they can find that even Government servants who are the agents of the Government and who draw heavy salaries from the Indian exchequer are dissatisfied with the way in which the administration of the Ordinances is carried out. As my friend Mr. G. P. Singh pointed out, two ex-M. L. A.s Mr. Nilkantha Das and G. C. Nag, have gone to jail and the treatment meted out to them is very bad. Many of them are in C class. The Zutshi sisters of Lahore, the daughters of an Advocate of Allahabad, who are all graduates and one of them was a professor in Government College have been very badly treated and have been put in the C class. If this is the method in which Government are going to conduct the administration by treating badly the future mothers of the persons who will hold the reins of administration, it is a very sad picture of the civilization which they have brought out to this country. The British Government and their sub-agents, the Indian Government, have never learnt by experience. They tried to carry out the same policy in America, in Ireland, in Egypt and they did not succeed. We have the example of America, and Ireland, and I think India will not be long in repeating the same experiment, and it is only when the people also resort to force that the Government will surrender power. Their statesmanship and experience ought to have taught them that what did not succeed in the past is not likely to succeed in future. They cannot suppress a nation of 350 millions of people by oppression. The movement may quiet down for a month, two months, a couple of years, but they cannot crush the spirit which is engendered in every man and woman in the country that they must be masters of their own destinies and of their own country. Even the great Lord Morley, to whom we owe the first reforms, said that moral and intellectual conditions are not the only motive force in a community, nor are they even the most decisive, political and material conditions set the limit at which speculation can do either good or harm. Government know that they have brought us to a condition of things which has reached that limit. They have brought us to the limit, and they must note that the present state of things can only do harm and no good. It is advisable for them, even now, although two months have passed since the inauguration of the present policy, to retrace their steps, and to come again to the old reality of things which they realized last year this very month when they announced to us that the method of negotiation and conciliation was the best.

(At this stage Mr. President vacated the Chair, which was taken by Sir Hari Singh Gour.)

I wish, Sir, that, like last year, they would even now retrace their steps and give up ruling by Ordinances, give up the maltreatment meted out to the best sons of the land who have gone into the jails, and discuss at what is an oval rather than round table with the real representatives of the people all combined, liberals, nationalists and the representatives of that great and mighty organization, which commands the largest

backing, I say, throughout the length and breadth of India, the Congress, and whose sole delegate is known to everybody as the most peace-loving man on the face of this globe (Hear, hear), and whose honesty and desire for peace is not doubted by even his bitterest opponents. Sir, he is, as was so truly said by that great Empire statesman, General Smuts, whom the Commonwealth of British nations have come to recognize as one of the greatest statesmen of the British Empire, he is the only man in India who can deliver the goods. Sir, even General Smuts said that it is Mahatma Gandhi and he alone who can deliver the goods on behalf of India. (Mr. K. Ahmed: "What about the Hindu Mahasabha?") And, Sir, General Smuts said this from personal experience of his, because he had to deal with the same Mahatma in another field in earlier days. He knew the man about whom he was speaking; and the British Government even have set apart that good, that noble, that useful advice given by him for re-tracing their steps and coming to grips with the realities of the situation and meeting together and evolving a formula for the solution of the problem. Repression, Sir, has not succeeded in any country. Spain and Greece tried it and failed; Portugal tried it and has not succeeded. It was tried in Ireland and it failed. Here this is being tried. I say the Government will have to retrace their steps, and I am sure that the time will not be long, though at this moment we are not likely to meet with any response in this direction from the Honourable the Home Member—when the Government will have to retrace their steps, when, I say, the methods of negotiation and conversation will again have to be followed. If so, why delay the agony? Why not come at once to the issue before the country and all meet together and deliberate on the supreme issue and give up the rule by Ordinances and abandon this ruthless policy which nobody can possibly like? Sir, the attitude of the Government of India appears to me to be such as can be put in one sentence:

Invention is exhausted, reason is fatigued, experience has given judgment, but obstinacy is not yet conquered.

Pandit Satyendra Nath Sen (Presidency Division: Non-Muhammadian Rural): Sir I rise to join my Honourable friend, Sirdar Harbans Singh Brar, in opposing the entire Demand in respect of the Home Department, on account of its utter failure to preserve law and order in the country by their mishandling the present political situation. Sir, the present policy of Government is one of wilful and unalloyed repression, while true statesmanship, as followed by men like Lord Irwin, demanded it otherwise. Sir, it is an undeniable fact that at present we are being ruled not by ordinary laws but by Ordinances—Ordinance after Ordinance, one Ordinance followed by another Ordinance *ad infinitum* and *ad nauseum*. I confess that I failed to keep pace with them, and after closely studying only a few of them, I had to give up the subject in despair and in disgust. Sir, from the point of view of political emancipation, I do not grudge this repressive policy of Government, because that will only act as a hastening agent for the purpose of political emancipation. But what I do object to is that by their repressive policy, Government have made the country quite unfit for living in, at least for peace-loving citizens. Sir, the only thing that remains to be done by Government is to amend that section of the Government of India Act, which confers on the Members of the Legislature some little right and privilege to enter into a fruitless discussion of the Government's policy on particular days and within a particular arena.

[Pandit Satyendra Nath Sen.]

Sir, what has been the effect of these Ordinances? My life is not my own, my property is not my own. My property is being snatched away, my bank deposits are being snatched away. As to personal safety, the less said, the better. (Hear, hear.) The newspapers are teeming with innumerable instances, and I am not going to cite one or two out of innumerable cases, and thus to minimise the gravity and the seriousness of the situation. Sir, not to speak of men, even women are being roughly handled. Even women in an advanced state of pregnancy are not being spared. It was only three or four days ago that we came across a newspaper account that a woman named Dhana Lakshmi gave birth to a child in prison. This birth in prison reminds us of a similar birth in prison about 6,000 years ago in Muttra which delivered the country from the tyranny prevailing there at that time. Sir, is there any Indian who has not been directly or indirectly affected by these inhuman atrocities, and with our nearest and dearest ones thrown into prison with their limbs maimed and injured, do Government expect that we can co-operate with them like good boys for long? Sir, in the matter of repression the present Government have beaten all previous records. We are believers in the Puranas. In the Puranas we have read the story of Jarasandha who threw into prison hundreds of chiefs who ventured to open their lips against his tyranny. We have also read the story of Kamsa who, apprehensive of danger from all quarters, like the present Government, ordered a massacre of innocents. We have also read the story of Ravana and the stories of Shumbha and Nishumbha who committed outrages on women. Needless to add that they were destroyed by the divine hand in due course. Sir, each of these had only one charge against him, but the present Government have to their credit all the three charges combined together. And what has been the result? They have to face opposition even from unexpected quarters. While speaking on the Press Bill during the last Simla session, I charged the Government that they have spoilt and misled our young men. I am now here to say that they have exasperated our young women also. I am almost prepared to say that they have spoilt our young women. Sir, young Hindu girls with revolvers in their hands are shooting human beings. (Mr. K. Ahmed: "Whose fault was that?") That is the fault of the present repressive policy of Government. My friend Mr. K. Ahmed, with his characteristic levity, which is no respecter of occasions, has come forward to interrupt me and I prefer to let him alone. Sir, who will be the worst sufferers from this sort of tyranny? It is not the British people but the people of this country who will be the sufferers. The Britishers may at most be compelled to shift to another part of the globe but the culture and training which will be left by them will go on disturbing the peace of the country for centuries to come. Sir, my reference to the Ordinances may be interpreted to mean that we enjoyed much happier days before the promulgation of the Ordinances. Not a bit of it. In this connection I shall read out a few lines from the report that was published in the *Liberty* of Calcutta on the 8th October 1931 regarding the treatment of the Police towards three schools in the district of Chittagong. This is the report submitted by the Secretary, Sarostali H. E. School, to the Chief Secretary to the Government of Bengal:

"At 10.30 A.M., on the 31st day of August, 1931, a large posse of Gurkhas led by two European officers entered the school premises and beat mercilessly right and left all the students of classes III to X, after barricading the compound, even the staff members

having their due share of the bayonet and baton wounds. The boys fled from room to room in panic and then from inside to outside and then again, from out to in, still under pressure of constant beating, till finally most of them were kicked out and back again kicked in. In this confusion, we were only silent onlookers. When the boys ran into Headmaster's room terror-stricken, he could scarcely afford any protection to any. A great majority of them had had their clothes taken off, their shorts torn to pieces, some in the melee running hither and thither stark-naked, their books and umbrellas and everything else left behind. The school house is now deserted by the boys and perhaps we won't be able to run the school for some days. Some deadly hurt on the head were profusely bleeding, drops of blood yet staining the floors of the school house.

It is a pity that this indiscriminate beating went on in spite of our producing three boys on demand by the officers. All the books were then scattered away, shutters, glass panes and many furniture, were badly damaged."

Now, with regard to another school, Rahatali School, a similar report goes on. I shall quote only a few sentences from it:

"The military officers then went to the classes X, IX, and VIII and asked the Assistant Headmaster to explain to the classes that they had come, under the orders of the Government, to punish the boys for taking part in the Ram Krishna-day demonstration. These being explained to the boys, the military then entered the class-rooms and flogged all the Hindu boys indiscriminately. Some of the boys were bleeding profusely and two or three boys fell senseless on the floor."

Sir, in their hurry and excitement they lost all sense of decency and reasonableness, because the report goes on to say:

"They also struck some Muhammadan boys on the heads along with them. The Assistant Headmaster then sent for the doctor and arranged for first aid to the injured after which several gentlemen of the locality and members of the Managing Committee, came and witnessed the horrible sight."

There is also another report to the same effect but I am not going to take the time of the House by quoting from it.

Sir, I asked a question on the floor of the House on this subject and the Honourable the Home Member came forward with the reply that the enquiry was not yet completed. I think it will never be completed. Comments are superfluous. This is the brilliant record that the Home Department has got behind it and with this record they have come forward to ask the House to vote for a grant for that Department. I propose that the grant be refused.

Mr. N. R. Gunjal (Bombay Central Division: Non-Muhammadan Rural): Made a speech in Marathi, a translation of which will be found later as an appendix to these proceedings.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, it may be asked, what has this policy of handling or mishandling the present political situation in the country by the Government got to do with the Demand for grant for the Home Department? I shall submit that it has got every relationship with it. I would request the House just to look back to the second Round Table Conference. In the midst of this Conference there happened to be a general election in England, and we all know that the Conservatives were elected to Parliament by a thumping majority. Then we suspected that the whole policy of the Government in India might change and our suspicion grew into alarm when we saw that it was not Mr. Bann but Sir Samuel Hoare who became Secretary of State for India. We know that Sir Samuel Hoare is a merchant prince and is entirely in the hands of the Lancashire

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people. We know that Lancashire trade has suffered enormously from this boycott movement, and so we on this side think that the whole repressive policy of the Government pursued at present after the second Round Table Conference was entirely dictated by the Great Moghul in England. Now, Sir, what was the state of affairs in India when Mahatma Gandhi returned from the Conference? At the Round Table

4 P.M. Conference Mahatma Gandhi, who was the sole representative of the Congress, was now and then giving expression to his opinion that it was not possible to get any substantial reforms from the present Government in England and that he would be forced to revive the civil disobedience movement in India. Sir Samuel Hoare was not slow to tell his country that the Government of India was fully armed to meet any emergency that might arise in India after Mahatma Gandhi's arrival if the movement of civil disobedience was revived. Now, Sir, we shall see the condition of the country when Mahatma Gandhi returned. There was, it is alleged, a sort of no-tax campaign or rather preparations for a no-tax campaign going on in the United Provinces. It was also said that there was a red shirt movement in the North-West Frontier Province. If these are proved to be facts, they are to be considered as abnormal phenomena. I am not at present dealing with these abnormal phenomena that took place in a particular province, nor am I speaking of the alleged or supposed terrorist movement that was existing in Bengal. All this Government have been armed with special powers to deal with. But I am speaking of the normal phenomena in which this movement was expressing itself in the country. Broadly speaking, the movement has been expressing itself in two or three activities, namely, peaceful boycotting of liquor shops, peaceful picketing of foreign cloth shops, and meetings held in furtherance of these objects. These are the ordinary activities which the Congress people have been pursuing, and I submit there was absolutely no justification for the promulgation of these Ordinances, one after another, in quick succession, to meet this so-called emergency. At the beginning of this session, the Government distributed to us volumes of printed matter justifying the action taken by the Government in promulgating these Ordinances in various provinces. In those volumes I find there are only a few lines, about three lines, devoted to the situation that was obtaining in the Presidency of Madras which in the opinion of the Government justified the promulgation of these Ordinances. I make no apology to the House for reading those three lines *in extenso* because it is so short and distressingly sweet. These are the actual words:

"The Madras Government report that while Congress have worked contrary to the spirit of Delhi settlement, they have, generally speaking refrained from breaking the letter. In particular, they have not been so far ostensibly responsible for any rural agitation since the settlement, but individual Congress hotheads have spoken guardedly of a no-tax campaign in connection with the resettlement operations in progress in Kistna and Godavaries."

This is all the justification of the Government for promulgating these extraordinary measures in the Presidency of Madras. The Congress people have not gone into the rural parts; there was absolutely no Congress movement in rural parts; they have kept the letter of the Pact; but the Government say that some people have taken it into their heads to spread a sort of no-tax campaign in the Godavari and Kistna Deltas. I may explain in a few words what that sort of campaign is. During these days

of economic depression the Government of Madras enhanced the water rates in those deltaic areas by three or four times. Naturally the ryots and others affected by this enhancement made representations to the Government not to levy those abnormal taxes at this time, and some leaders also took up the cause of the ryots and they were holding meetings here and there and sending representations to Government. That is all that was taking place; Government simply gave the name of no-tax campaign to the movement. Just as one would give a bad name to a dog to hang it, so they gave the name of no-tax campaign to this movement in order to suppress and stifle the legitimate expression of grievances of the people; and we find that one of our *ex-M. L. As.* Mr. N. G. Ranga is in jail on account of this. Government is least justified in the Madras Presidency in putting these Ordinances into force, and it is there that the Ordinances are worked with the greatest vigour. I am not speaking, at this late hour, about the every day occurrences of the *lathi* charges and breaking of skulls and other things, because everybody in this House is familiar with what is taking place in the country. But I shall refer only to a few glaring instances of the way in which Government have been handling this situation. I will take one instance, the Swadeshi Exhibition in Madras. On Xmas eve there was a big Swadeshi Exhibition organised near the Congress House in Madras, and it was opened by one of the greatest and most revered sons of India, Sir M. Visveswarayya; and the Exhibition went on for some days. Just as it was about to be closed, about the 10th January,—just one day previous to its closing,—the police under the orders of the Police Commissioner or some other like authority came and drove away the shopkeepers and others and bundled up all the goods and refused to deliver them. The very next day the Exhibition would have closed automatically, but just one day earlier the Government took this high-handed action to put down the Khaddar movement. This clearly shows that the Ordinances are not so much directed against suppressing any terrorist movement, but are really intended to suppress this boycott movement in order to help the Lancashire and foreign trade.

Then comes the case of Dr. Paton which has become a matter of history by this time. He is a Scotch nobleman who has settled in this country and sacrificed everything and placed all his large property at the service of this country. In a place called Tiruppattur in the Madras Presidency, where I had the pleasure of visiting him, he has opened a big hospital, distributing medicine free to all poor people, and he has also opened some agricultural farms just to encourage the local agricultural development, and thus he has been devoting himself to this philanthropic work. He happened to hear so many reports from Madras about the beating of the picketers by the police and breaking of heads, and so he wanted to see whether he could open a hospital at Madras to treat those persons who were receiving injuries under *lathi* charges. With that idea he went to Madras, and while he was passing on the road he was beaten and coloured water was turned upon him with a hose pipe and his clothes—which by the bye were Khaddar—were soiled. Government did not leave the matter at that, but added insult to injury by framing certain charges against him, saying that he had posted some people for picketing and that he was lecturing about the boycott movement. These charges were quite unfounded and they were subsequently withdrawn, and we know the subsequent conduct of the case, and even the Secretary of State the other day had to admit it was a mistake of the Government.

[Mr. T. N. Ramakrishna Reddi.]

In spite of all that, the Government have not taken it into their mind to express regret to the person himself. There is one more incident I wish to state, and that is the beating of Mr. Sambamurti. He is a revered man of Andhra Desa; while he was attending a meeting about the beginning of this year, the police, without any provocation and, without serving any notice that the meeting was unlawful or any such thing, came and beat him till he became unconscious.

We are also familiar with the "thali" incident; that is, a lady who was convicted by the court at Talacherri was asked to remove her *thali* to pay up the fine. For a Hindu lady *thali* is considered as a very sacred jewel, and though it is not very costly it is removed only on the death of her husband, such thing has occurred in open court. A wave of indignation passed throughout the length and breadth of this country and yet the Government did not take proper action against the offenders. They were satisfied that the magistrate was wrong and he expressed his apology to the Government. Well, Sir, we are now quite familiar with the policy of vicarious retribution which the Government are employing, in asking the father to pay the fine of his son, or asking the mother to pay the fine of her daughter, but we have not yet heard this vicarious acknowledgment of apology in any part of the civilized world. In this case the wrong is personal and the apology must satisfy the person wronged. It is absolutely no consolation for the poor woman who is rotting in jail, if some apology was given by the magistrate behind her back. Such things are taking place in the name of law and order, and this is the way in which the Ordinances are being worked day in and day out, and it is stated that they are worked with moderation and with restraint. I clearly see, Sir, that the present policy is not directed so much by the Government here as it is dictated by the Home Government and by the Secretary of State. Hence I support the motion to cut down the whole Demand for the Home Department.

Mr. C. S. Ranga Iyer: The question may now be put, Sir.

Mr. Chairman (Sir Hari Singh Gour): The question is that the question be now put.

The motion was adopted.

The Honourable Sir James Crerar (Home Member): Sir, I must express a very considerable measure of surprise at the course which this debate has taken. From the notice of motions received I understood that the matter which Honourable Members opposite, who were specially concerned with this particular Demand, desired to raise related to the measures which had been taken for retrenchment in the Home Department and also general questions of the secretariat machinery which should affect, more or less, all departments of the Government of India. Consequently, Sir, the speech of the Honourable Member who spoke first in this debate, though I regret to say that practically three-fourths of it was inaudible to me, did occasion me very much surprise. It appeared to me that the questions which were being raised were precisely the same questions which were earlier raised in this House, which we debated for nearly two whole days and which were disposed of by a majority of this Assembly. That being

so, Sir, and in view of the fact that at this earlier stage I already had occasion to trespass very long upon the patience and indulgence of this House, I do not think that I should be tempted to swerve from the course of virtue on this occasion by inflicting upon the House a long re-statement of matters which have already been stated as clearly and as fully as is possible for me to do. In truth, Sir, I do not think that there was anything that was stated today, any incident of the various incidents which were referred to today—any arguments employed or any speech made today—which might not more properly, if at all, have been brought forward in the course of the previous debate. The House will, therefore, I am sure, absolve me from any discourtesy to Honourable Members opposite if on this occasion I record my opinion that it would not be proper for me to repeat to the House once more a defence on the policy of Government which was debated at great length and which was approved by a majority of the House six weeks ago.

Mr. Chairman: The question is:

"That a sum not exceeding Rs. 5,48,000 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, 1933, in respect of 'Home Department'."

The motion was adopted.

DEMAND NO. 33—PUBLIC SERVICE COMMISSION.

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

"That a sum not exceeding Rs. 1,33,000 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, 1933, in respect of 'Public Service Commission'."

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadian Rural): Sir, the motion that I have to make is that the Demand under the head 'Public Service Commission' be reduced by Rs. 1,23,000. I really do not know whether I shall be able to do justice to this subject within the short time that I have at my disposal, but I will try my best to confine my observations to the salient points and briefly deal with them. Sir, the Public Service Commission was constituted by way of implementing section 96C of the Government of India Act. That section provided for the appointment of Public Service Commissioners to discharge such functions as by rules the Secretary of State might delegate to them. The appointment of the Members is made by the Secretary of State, their salary is fixed by the Secretary of State, and their tenure of office is also fixed by the Secretary of State under rules. The Public Service Commission as at present constituted consists of a Chairman and four Members; the Chairman gets Rs. 5,000 per month as salary and the Members get Rs. 3,500 each. This body has got a Secretary who is paid Rs. 1,250 and also a special pay of Rs. 400 per month, and the entire cost of the Public Service Commission comes to about Rs. 3,72,000 as budgeted for next year. The officers cost Rs. 2,22,000 and odd, and the balance is for meeting the establishment charges, contingencies and such things. The General Purposes Sub-Committee, which was so ably presided over by our esteemed and distinguished friend, Sir Abdur Rahim, went into the whole subject and suggested as many as 10 points for the consideration of Government, clearly making out that the expenditure of this branch

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could be reduced by Rs. 1,36,200. The Government, however, accepted only a reduction of Rs. 13,200, and my motion relates to the balance of Rs. 1,23,000; that is why I have said that the Demand be reduced by Rs. 1,23,000. The case has been very well made out by the General Purposes Sub-Committee, which is set out at pages 65 to 73 of their valuable Report. The Sub-Committee recommends in the first place that instead of having five Members on the Commission, their number might very well be reduced to three. That is the main recommendation, and that is the chief item which will go to reduce the expense on the Public Service Commission. The Commission themselves agree that they can very well carry on with three Members. They say:

"It cannot be said that the volume of the Commission's work requires as many as five Members and so far as the volume of work is concerned it could be done equally well with three Members."

When the authority affected by the proposal says that the whole work can be managed by three Members, I really do not understand why the Government should not accept it. Instances have been pointed out by the General Purposes Sub-Committee, as to how Service Commissions are being worked in Madras or other places. I am myself acquainted with the conditions prevalent in Madras. We have a Chairman and two Members of the Public Service Commission. The establishment and other paraphernalia is not half as much as you find here. The General Purposes Sub-Committee also refers to such Commissions in other parts of the British Empire. The British Commission itself consists of a Chairman and two Commissioners, one of whom acts also as Secretary. The South African and Canadian Commissions are believed to have only one Member and the Australian Commission two. Reference is also made in the Report to the Bill which was introduced in the Punjab Legislative Council, but I do not know whether it has been passed into law or not. Now, what we are concerned with is this; a specific recommendation was made by the Retrenchment Committee that the number of Members should be reduced to three, and the Public Service Commission themselves have accepted that proposal. But, Sir, Government do not accept it. Why? The only objection, so far as I could see, that was put forward against that proposal, was that the reduction of the number of Members to three would disturb the confidence of the European members in the services. Questions affecting discipline and such other things have to be referred to the Commission, and the I. C. S. and other European members, it is afraid, will demur to the European element being reduced in the Commission. That aspect of the question has been effectively answered by the Public Service Commission itself. If you will allow me I can not do better than read a line or two from the Report. This is what the Commission themselves say:

"The experience of the last five years shows that the Indian and European Members of the Commission are equally anxious to do justice to the members of the services whether European or Indian. The Indian Members of the Commission are as careful as the European Members to do justice to European appellants. If the past is a safe index of the future, it is not unreasonable to hope that a majority of Indians on the Commission would not prove detrimental to the interests of European officers."

I can not therefore understand why the Government should persist in keeping five Members on the Commission. Of course, I am aware that one Member is on leave and that his place has not been filled up. But

you will find there is a provision for all the five Members in the Budget for next year. Another objection which the Home Department has raised is this, that the proposal requires the sanction of the Secretary of State. I know that not only this branch of administration but the whole administration of the Government of India is subject to the superintendence, direction and control of the Secretary of State. There was no difficulty for the Secretary of State to approach Parliament and to get passed an Act which enabled the Government of India to reduce by 10 per cent. the salaries of the statutory services. But this does not require that. If the Government of India will only see their way to accept the proposal, they can easily get the permission of the Secretary of State. Therefore, that kind of plea would not hold good. The fact of the matter is, they do not want any retrenchment to be made in this department.

There is another aspect of the question which the Government of India have to consider. We have effected large retrenchments in the services, and the chances are that for at least two or three years to come the Government of India will not have to make fresh appointments; at any rate, the work of the Commission will not be as much as it used to be. I understand that retrenchment at the rate of 10 per cent. has been made in the personnel of all departments of the administration. The Commission will not have that amount of work as it used to have before. I do not propose at this late hour to go through *seriatim* all proposals of the R. S. Committee. I only say due consideration has not been given to them. At this time of acute financial distress, when the country has been burdened with unbearable taxation, when all avenues of retrenchment are being explored, if the Government are really earnest in their desire to effect retrenchment, it is imperative that such reasonable proposals as have been put forward by the Retrenchment Committee should be accepted.

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

Before I conclude, I wish to refer to another aspect of the matter which I consider is very important. The Public Service Commission, as constituted at present, is a purely advisory body. It has not got supreme powers, or in other words, it is not a body which has got a final voice in the matters that go before it. I really do not know whether the framers of the Government of India Act intended that it should be so. At any rate section 96-C of the Act is not capable of that interpretation. It is very often complained by our public men that what is given by the Parliament and by our benign Sovereign is whittled down by the rules framed by the Secretary of State. I find on reference to Professor Keith's book on responsible Government in the Dominions, that in all the Dominions the Public Service Commission has got absolute rights, and I am quite sure that in adopting the same model the original idea of the framers of the Government of India Act was that the Public Service Commission in India also must be endowed with such supreme or plenary powers. There is no necessity to have Members on the Commission with such salaries as they are now drawing if their function is purely advisory. I do not think any man worth his salt will accept the position of a Member of the Commission which can only tender advice. The salary of the Chairman is Rs. 5,000, which is the salary of a Chief Justice of a High Court. Unless there is a finality in regard to matters referred to the Commission, so long as it has not supreme or absolute powers, it will not be

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worth while for any respectable man to accept a place on it. (*An Honourable Member*: "There is money.") There are only very few people among men of the highest public standing with whom money counts. The point I wish to make is that, so long as this Public Service Commission continues to be a body of advisers, it is not worth while keeping them. That is my humble opinion.

I do not propose to take the time of the House by reading certain extracts from Professor Keith's book regarding the constitution of the Public Service Commissions in the Colonies and in the Dominions. My desire is that the Public Service Commission in India must also be of the same model. So long as that is not done, the provisions of section 96-C of the Government of India Act will not be fulfilled and it is not worth while to maintain such a costly body in this country. With these few words I commend my motion to the acceptance of the House.

Mr. C. S. Ranga Iyer: Sir, I must congratulate my Honourable friend Mr. Thampan on taking up this motion. We had almost feared that this motion would come under the guillotine, and I express my deep and sincere gratitude to the Leader of the Independent Party for having co-operated with us in enabling us to reach this important cut. It may be that this will be the last cut that will be discussed to-day, and I hope that I will leave at least ten minutes for the Honourable Member to reply. But this, Sir, is in a sense more important for the achievement of Swaraj itself. For we want Swaraj first in the Public Service Commission. The same Swaraj that we have got, so far as the High Court is concerned, the same independence and integrity that we have, so far as the post of Auditor General is concerned,—the same integrity, the same independence, the same status and the same position should be accorded to the Members of the Public Service Commission. Unless that position is accorded, it would lead,—and I do not cast any reflection at present on a single Member of the Public Service Commission—to jobbery. It will detract from the purpose for which the Public Service Commission is appointed. That purpose is nothing less and nothing else than purity in filling jobs. Sir, in this unfortunate country there has been such a thing as making men get jobs not because they are necessarily qualified, but because of other considerations. If those other considerations were not in existence, my friend Mr. Yamin Khan would not have stood up and pressed for his own communal privileges, for after the position that was conceded by this House last year, here at any rate I am not going to rake up my exception to it. Then there is my friend, Colonel Gidney, who time and again says that his community does not find so much favour as it used to do. It is good that his community does not find so much favour as it used to do, because the Public Service Commission has been appointed. Sir, Swaraj is coming to this country. Federalism is on the horizon, and I would ask the Government to tell me straightaway that they will communicate with the Secretary of State and give the Public Service Commission the same position as the Public Service Commissions in the Colonies. It should not be tied to the apron strings of the Secretary of State for India. My friend Sir Hari Singh Gour said in his speech the other day that we want an immediate advance in the direction of responsibility. The same could be said with even more correctness about the Public Service Commission.

We want an immediate acceptance of the position of absolute and unmitigated independence for the Public Service Commission. Mr. Thampan has spoken with his usual ability and clearness. He is a great public man, was a newspaper proprietor in Madras when I was a humble sub in his own newspaper. With his large public experience, and with his great career in the public life of Madras and his work on the Provincial Council of which Members are not aware, he was looking forward to giving this lead. If his health had permitted him, he would have put his case even more strongly than he did, because he has accumulated information on this subject. Government must make up their mind here and now that they will communicate to the Secretary of State all the points that Mr. Thampan has placed before them. Another point in this connection is that Government must decide that no Member of the Public Service Commission will be eligible for any higher job.

Sardar Harbans Singh Brar: Or any lower job.

Mr. C. S. Ranga Iyer: My friend, with his usual sense of humour, thinks that men will prefer even lower jobs to unemployment. Yes, they should not be given a higher job or a lower job. After their service, they must be banished into the wilderness of pension, and unless that is agreed to, the Commission will not be independent. They will yield to the pressure of—I do not say of the Government as a body nor individual high officers of Government,—but their own ambitions for once you place before the Public Service Commission higher ambition, you will impair their efficiency, an efficiency includes not only the term integrity but also the term independence. Why do the Government not give the Auditor General any other job? Why do they retire him? The same consideration must prevail in regard to the Public Service Commission. Sir, a Retrenchment Committee which is performing its job with its usual, what I may call, leisured zeal, a Committee which carried on its work right through 8 or 9 months, as if an immediate production of a complete report was not a valuable thing, a Retrenchment Committee whose members have drawn allowances which do no reflect credit, allowances of over Rs. 2,000, should hide its head in shame, because it has cast a reflection on this side of the House that we fellows, who go to retrench, raise a discussion that there should be retrenchment for the Retrenchment Committee. The Retrenchment Committee should hide its face in shame as contrasted with the work which the Hope Committee executed in England. They finally recommended that there should be three Members of the Public Service Commission, a very good recommendation, an excellent recommendation, a result which could have been accomplished in one week. To achieve this recommendation they have taken such a large space of time, only because its leadership, its Chairmanship is afflicted with that senility which is not the proper phase for Chairmanship of a Committee which should execute its work, only because its Chairman has lost his admirable vigour which we expected of him, only because of what the Retrenchment Committee has at last stated, what after all I could have stated in one week, what my Honourable friend, Mr. Chetty, could have stated, what my Honourable friend, Mr. Neogy, could have stated, or my Honourable friend, Mr. Gaya Prasad Singh, if he was a member (Laughter) could have stated. After so much labour you want to do that much. Sir, the work of this inglorious Committee is belated. My surprise is that these gentlemen have been afflicted with the double dose of moderatism. (*Mr. B. Das*: "My Committee has not yet reported: why do you singularize?") I am at

[Mr. C. S. Ranga Iyer.]

present concerned with Sir Abdur Rahim's Committee. Sir, Mr. B. Das says that his Committee has not yet concluded its work. Sir, my Honourable friend, Mr. B. Das, has not yet had the advantage and honour of having been an Executive Councillor such as my friend, Sir Abdur Rahim, has had. (Laughter.) Sir, this Retrenchment Committee has insulted the intelligence of the House by saying that there should be a body of three Public Service Commissioners. Why should there be three Commissioners is what I cannot understand. Sir, I think one man ought to have been quite enough, but if there is a communal issue, then have one Hindu and one Muhammadan, because the Public Service Commission is only an advisory body. Why have an Englishman on that Commission? Not that I am against Englishmen, but I would retrench all Englishmen on that Commission because their recommendation after all goes up before another body. Let there be only one Hindu and one Mussalman, whomsoever you like, let them be the worst of communalists or the best of nationalists, I do not care; let them be men drawn from the public service of the country, but I say there should be only two, and not three as recommended by this wretched Retrenchment Committee of which Sir Abdur Rahim is the head, who, licking the boots of a foreign Government, says that here should be three men.—one Hindu, one Mussalman and one Englishman—otherwise, where do the three come in? Now that is exactly what I want to know. (Sardar Harbans Singh Brar: "What about the minorities?") My Honourable friend, Sardar Harbans Singh Brar, asks, "What about the minorities"? If only you think of the minorities, they are, Sir, a legion in this land. Sir, Lord Birkenhead once said that so far as India was concerned, her future was on the knees of the gods and the gods were legion in that country. Sir, I refute that proposition of Lord Birkenhead, for unity in diversity underlies our religion. There is one godhead behind so many gods, but unfortunately I am not in a position to say yet about the minorities that there is that underlying unity among them, but if there are minorities, then the proper thing would be to cut down the salary of every Member of the Public Service Commission to Rs. 500 a month and give my friend, Sardar Harbans Singh Brar's community representation on the Commission. Sir, that salary is what Mahatma Gandhi recommended, and here is a Committee presided over by Sir Abdur Rahim—whose record is over there in the Bengal Council, his record of how he crossed the T's and dotted the I's of his Government alike in regard to repression and oppression—and this Retrenchment Committee wants to oppress us with a load of salary to which we are not agreeable. I stand, Sir, in the same position, so far as the salaries of the Public Service Commissioners are concerned. I take my stand on the same ground as Mahatma Gandhi. Why did not this Retrenchment Committee, if it was an honest body and not a mealy-mouthed flatterer of Government, if it was a really honest body

Mr. President (The Honourable Sir Ibrahim Rahimtoola): If that is the Honourable Member's view, he could have moved an amendment to the grant for the Public Service Commission by reducing it to a figure which would be sufficient for employing a smaller number of Members on a monthly pay of Rs. 500 each. It was perfectly open to him, instead of indulging in this sort of criticism, to put constructive work before the

Assembly and to say that he wants to go much beyond what the Retrenchment Committee has recommended.

Mr. C. S. Ranga Iyer: Thank you, Sir. I always value your suggestion as you yourself know: and if I did not put forward a constructive suggestion, it is because my purpose is frankly destructive. I do not want to give them one single penny; I want to refuse them the entire supplies

Mr. President: Certainly you can if you like to oppose the motion.

Mr. C. S. Ranga Iyer: Sir, I do oppose the whole motion, but I want to do that in such a manner that my reasons may be known to all. I am refuting the reasons given by the Honourable gentleman of the Independent Party, who has run away from the debate after producing his report! I am opposing the recommendations of a gentleman who wants to give fat salaries to the Public Service Commissioners which my poor country cannot afford. I hope I have your authority and your permission to make that suggestion with the same kindness and courtesy which you have always shown when the refusal of supplies is raised. I am sorry I could not raise more refusals of supplies on this occasion, but I hope when the occasion comes in future, then though it may be that I would draw the fires of both sides, as my record during some past years would show, I shall not hesitate to stand and perform my duty alone and solitary, ploughing the lonely furrow on the floor of this House. (Hear, hear.) Sir, I have never been afraid of that position. I stand before an audience much greater, much mightier than the puny audience I am addressing today. My words, Sir, are being heard in the gallery, but they are also being overheard out in the country: and, Sir, a man who has not yet become very old (Hear, hear), one on whom the chilling penumbra of old age and second childhood has not begun to set, I have to look a little wider than the elderly gentleman sitting on that side of the House. Sir, I value the freedom that my party has given to me on this occasion, because these things had not been made party questions; otherwise I should have bowed to their verdict and observed a vow of silence. Sir, so long as I am in the trammels of office and party bondage, I cannot function fully; but so much for that.

Now I did not give a token cut, because I do not believe in token cuts when I have reason to oppose a motion completely. That is why I did not make a constructive suggestion. Sir, you cannot construct unless you are prepared to destroy. Supposing I want to build a big palace where you are sitting, I have to pull down your seat, Sir, before I build a palace there. Now supposing I want to reorganize the Public Service Commission, I have first to tear it from its foundations, and reduce the Commissioners' salaries and that is what my Honourable friend, Mr. Thampan, said when he was talking about the policy. Why should we be dictated to from Whitehall? Why should we play the part of a gramophone reproducing the orders of Whitehall? So far as the Public Service Commission is concerned, why should there not be men on it like my esteemed friend, Sir Hari Singh Gour—a distinguished man, with a legal and judicial intellect,—because that is the position of a Judge? A man who has been able to handle cases so skilfully all his life as Sir

[Mr. C. S. Ranga Iyer.]

Hari Singh has handled cases, a legal author, a man who can weigh the pros and cons of things, a man who can give impartial justice, Sir, such a man should have been on the Commission! Here is a man, a sedate man, who has not yet had opportunities of being on any of these Commissions! (Loud Laughter.) Sir, he would not have cared for a salary. Money is no consideration to him. (Laughter.) He says he is fabulously wealthy, but the honour of being Chairman of the Public Service Commission he would not, I dare say, have declined, if he was freed from the trammels of Whitehall. Would he have declined Rs. 500 if Mahatma Gandhi had imposed it upon him, and the position was a judicial position of honour? (An Honourable Member: "Would my Honourable friend, Sir Hari Singh Gour, have accepted Rs. 500?") You do not know my Honourable friend so well as I do (Laughter)—Sir, he would. Money has not been any consideration with him. For that matter, have not our great public men like Mahatma Gandhi, or for that matter that great leader, Pandit Madan Mohan Malaviya, spurred "filthy lucre" for service? But I am talking of a lawyer, a competent lawyer, an eminent jurist. It is a place for an eminent jurist and it is not a place for men who are in Government service or have retired from Government service. The salary of the Members of the Public Service Commission should be reduced. Sir, supposing, for instance, you retire from the position of the Presidentship of the Assembly some day when you choose to retire, for we want you here as long as God can spare you in that seat, then that will be a position for you. You will not care for salary. You will care then to serve the cause for which your whole life has been devoted and you will then be able to say that for Rs. 500 an Indian can serve on the Public Service Commission and through that Public Service Commission create such a purity in public service that it would be the ideal thing for which all of us have been aspiring.

Sir, now I wish to quote to you from A. B. Keith as to what is happening in the Colonies. (Interruption from Mr. Gaya Prasad Singh.) My friend, Mr. Gaya Prasad Singh, says that only four minutes are left and I should look sharp. Therefore, I must look sharp; I bow to his suggestion from behind. I hope it will very soon be from in front. But, Sir, I find the quotation is long, and therefore I shall not quote it. I am very grateful all the same to my Honourable friend, Mr. Thampan, for having placed this quotation at my disposal and several other quotations. For instance, he gave me the quotation that a Public Service Commissioner could be removed only by an address of both Houses of Parliament. That is what is happening in the Commonwealth of Australia with better models than those of Canada to follow. Why should such a thing not happen here? Why should the Secretary of State, Sir Samuel Hoare, like his predecessor, Mr. Wedgwood Benn, dictate to us about the Public Service Commission from Whitehall? I would ask Government to tell me all about it.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I do not know whether the Honourable gentleman who spoke last supported or opposed the motion of my friend Mr. Thampan. He gave an economy cut as we suggested to retrench the number of the Commissioners by two. Out of five Members we wanted to have only

three. The position was that one man should represent the services, another should represent the Hindus, and the third should represent the minorities, including the Mussalmans. I do not care to follow my friend Mr. Ranga Iyer in his vituperations against Party leaders. It is not possible that a sane man should go after a mad dog. If a mad dog bites at random everybody that passes on a road, then passers-by should not be expected to bite the dog. (Laughter.) All that the people may be expected to do is to save themselves and to go to a safer place. Now, it seems that without any rhyme or reason he abuses all people of importance. His leader may think himself flattered today by his eulogy, but he was rebuking his leader the other day, no less than he is Sir Abdur Rahim, today. . . .

Sir Hari Singh Gour: I wish to say that I am thoroughly ashamed of it myself.

Mr. S. C. Mitra: As regards the main point, I would like to repeat that the intention of the General Purposes Committee was that three men were sufficient and they are able to represent all the parties. At present out of these five Members, three are Europeans, and even if the two Indian Members unite, they are in a permanent minority and helpless to protect Indian interests. They can never out-vote the block majority votes of the Europeans. So, let it be on a fair basis. Let there be one gentleman who has experience of the services, the other man representing the Hindus and the third representing the minorities. This was the viewpoint from which we suggested a reduction and I find that my friend, Mr. Thampan, has also supported it from that standpoint alone. Government, on the other hand, contend that they require more than three men. But the reply is that in the self-governing Dominions there are not even three; in some cases there is only one.

(It being Five of the Clock, Mr. President put the motion.)

Mr. President: The question is:

"That the Demand under the head 'Public Service Commission' be reduced by Rs. 1,23,000."

The Assembly divided:

AYES—23.

Aggarwal, Mr. Jagan Nath.
Bhuput Singh, Mr.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gour, Sir Hari Singh.
Gunjal, Mr. N. R.
Hari Raj Swarup, Lala.
Jha, Pandit Ram Krishna.
Jog, Mr. S. G.
Joshi, Mr. N. M.
Kvaw Myint, U.
Liladhar Chaudhury, Seth.

Neogy, Mr. K. C.
Ranga Iyer, Mr. C. S.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Diwan Bahadur Harbilas.
Scott, Mr. J. Ramsay.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gaya Prasad.
Sykes, Mr. E. F.
Thampan, Mr. K. P.

NOES—51.

Acott, Mr. A. S. V.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.
 Allison, Mr. F. W.
 Anklesaria, Mr. N. N.
 Azizuddin Ahmad Bilgrami, Qazi.
 Bajpai, Mr. R. S.
 Banerji, Mr. Rajnarayan.
 Bhore, The Honourable Sir Joseph.
 Brown, Mr. R. R.
 Clow, Mr. A. G.
 Cocke, Sir Hugh.
 Cosgrave, Mr. W. A.
 Crerar, The Honourable Sir James.
 Dalal, Dr. R. D.
 DeSouza, Dr. F. X.
 Dudhoria, Mr. Nabakumar Sing.
 Fox, Mr. H. B.
 French, Mr. J. C.
 Gidney, Lieut.-Colonel Sir Henry.
 Graham, Sir Lancelot.
 Gwynne, Mr. C. W.
 Heathcote, Mr. L. V.
 Howell, Sir Evelyn.
 Ishwarsingji, Nawab Naharsingji.
 Ismail Ali Khan, Kunwar Hajeo.
 Jawahar Singh, Sardar Bahadur Sardar.

The motion was negatived.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,33,000 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, 1933, in respect of 'Public Service Commission'."

The motion was adopted.

DEMAND No. 34—LEGISLATIVE DEPARTMENT.

Mr. President: The question is:

"That a sum not exceeding Rs. 2,93,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Legislative Department'."

The motion was adopted.

DEMAND No. 35—DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

Mr. President: The question is:

"That a sum not exceeding Rs. 5,25,000 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, 1933, in respect of 'Department of Education, Health and Lands'."

The motion was adopted.

Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
 Macqueen, Mr. P.
 Moore, Mr. Arthur.
 Morgan, Mr. G.
 Mujumdar, Sardar G. N.
 Mukherjee, Rai Bahadur S. C.
 Nixon, Mr. J. C.
 Noyce, Sir Frank.
 Pandit, Rao Bahadur S. R.
 Rafuddin Ahmad, Khan Bahadur Maulvi.

Rainy, The Honourable Sir George.
 Rajah, Rao Bahadur M. C.
 Rama Rao, Diwan Bahadur U.
 Rau, Mr. P. R.
 Ryan, Mr. T.
 Sahi, Mr. Ram Prashad Narayan.
 Schuster, The Honourable Sir George.
 Seaman, Mr. C. K.
 Sher Muhammad Khan Gakhar, Captain.

Studd, Mr. E.
 Tait, Mr. John.
 Wood, Sir Edgar.
 Yamin Khan, Mr. Muhammad.
 Young, Mr. G. M.

DEMAND No. 36—FINANCE DEPARTMENT.

Mr. President: The question is:

"That a sum not exceeding Rs. 9,32,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Finance Department'."

The motion was adopted.

DEMAND No. 38—COMMERCE DEPARTMENT.

Mr. President: The question is:

"That a sum not exceeding Rs. 3,39,000 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, 1933, in respect of 'Commerce Department'."

The motion was adopted.

DEMAND No. 39—ARMY DEPARTMENT.

Mr. President: The question is:

"That a sum not exceeding Rs. 4,54,000 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, 1933, in respect of 'Army Department'."

The motion was adopted.

DEMAND No. 40—DEPARTMENT OF INDUSTRIES AND LABOUR.

Mr. President: The question is:

"That a sum not exceeding Rs. 4,42,000 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, 1933, in respect of 'Department of Industries and Labour'."

The motion was adopted.

DEMAND No. 41—CENTRAL BOARD OF REVENUE.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,45,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Central Board of Revenue'."

The motion was adopted.

DEMAND No. 42—PAYMENTS TO PROVINCIAL GOVERNMENTS ON ACCOUNT OF ADMINISTRATION OF AGENCY SUBJECTS.

Mr. President: The question is:

"That a sum not exceeding Rs. 2,44,000 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, 1933, in respect of 'Payments to Provincial Governments on account of Administration of Agency subjects'."

The motion was adopted.

DEMAND No. 43—AUDIT.

Mr. President: The question is:

"That a sum not exceeding Rs. 85,46,000 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, 1933, in respect of 'Audit'."

The motion was adopted.

DEMAND No. 44—ADMINISTRATION OF JUSTICE.

Mr. President: The question is:

"That a sum not exceeding Rs. 50,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Administration of Justice'."

The motion was adopted.

DEMAND No. 45—POLICE.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,83,000 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, 1933, in respect of 'Police'."

The motion was adopted.

DEMAND No. 46—PORTS AND PILOTAGE.

Mr. President: The question is:

"That a sum not exceeding Rs. 10,54,000 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, 1933, in respect of 'Ports and Pilotage'."

The motion was adopted.

DEMAND No. 47—LIGHTHOUSES AND LIGHTSHIPS.

Mr. President: The question is:

"That a sum not exceeding Rs. 11,43,000 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, 1933, in respect of 'Lighthouses and Lightships'."

The motion was adopted.

DEMAND No. 48—SURVEY OF INDIA.

Mr. President: The question is:

"That a sum not exceeding Rs. 14,79,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Survey of India'."

The motion was adopted.

DEMAND No. 49—METEOROLOGY.

Mr. President: The question is:

"That a sum not exceeding Rs. 15,26,000 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, 1933, in respect of 'Meteorology'."

The motion was adopted.

DEMAND No. 50—GEOLOGICAL SURVEY.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,56,000 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, 1933, in respect of 'Geological Survey'."

The motion was adopted.

DEMAND No. 51—BOTANICAL SURVEY.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,35,000 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, 1933, in respect of 'Botanical Survey'."

The motion was adopted.

DEMAND No. 52—ZOOLOGICAL SURVEY.

Mr. President: The question is:

"That a sum not exceeding Rs. 81,000 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, 1933, in respect of 'Zoological Survey'."

The motion was adopted.

DEMAND No. 53—ARCHÆOLOGY.

Mr. President: The question is:

"That a sum not exceeding Rs. 8,86,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Archæology'."

The motion was adopted.

DEMAND No. 54—MINES.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,16,000 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, 1933, in respect of 'Mines'."

The motion was adopted.

DEMAND No. 55—OTHER SCIENTIFIC DEPARTMENTS.

Mr. President: The question is:

"That a sum not exceeding Rs. 2,68,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Other Scientific Departments'."

The motion was adopted.

DEMAND No. 56—EDUCATION.

Mr. President: The question is:

"That a sum not exceeding Rs. 11,84,000 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, 1933, in respect of 'Education'."

The motion was adopted.

DEMAND No. 57—MEDICAL SERVICES.

Mr. President: The question is:

"That a sum not exceeding Rs. 6,13,000 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, 1933, in respect of 'Medical Services'."

The motion was adopted.

DEMAND No. 58—PUBLIC HEALTH.

Mr. President: The question is:

"That a sum not exceeding Rs. 6,59,000 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, 1933, in respect of 'Public Health'."

The motion was adopted.

DEMAND No. 59—AGRICULTURE.

Mr. President: The question is:

"That a sum not exceeding Rs. 9,49,000 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, 1933, in respect of 'Agriculture'."

The motion was adopted.

DEMAND No. 60—IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH DEPARTMENT.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,42,000 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, 1933, in respect of 'Imperial Council of Agricultural Research Department'."

The motion was adopted.

DEMAND No. 61—CIVIL VETERINARY SERVICES.

Mr. President: The question is:

"That a sum not exceeding Rs. 6,02,000 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, 1933, in respect of 'Civil Veterinary Services'."

The motion was adopted.

DEMAND No. 62—INDUSTRIES.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,48,000 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, 1933, in respect of 'Industries'."

The motion was adopted.

DEMAND No. 63—AVIATION.

Mr. President: The question is:

"That a sum not exceeding Rs. 8,72,000 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, 1933, in respect of 'Aviation'."

The motion was adopted.

DEMAND No. 64—COMMERCIAL INTELLIGENCE AND STATISTICS.

Mr. President: The question is:

"That a sum not exceeding Rs. 2,60,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Commercial Intelligence and Statistics'."

The motion was adopted.

DEMAND No. 65—CENSUS.

Mr. President: The question is:

"That a sum not exceeding Rs. 5,79,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Census'."

The motion was adopted.

DEMAND No. 66—EMIGRATION—INTERNAL.

Mr. President: The question is:

"That a sum not exceeding Rs. 23,000 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, 1933, in respect of 'Emigration—Internal'."

The motion was adopted.

DEMAND No. 67—EMIGRATION—EXTERNAL.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,69,000 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, 1933, in respect of 'Emigration—External'."

The motion was adopted.

DEMAND No. 68—JOINT STOCK COMPANIES.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,14,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Joint Stock Companies'."

The motion was adopted.

DEMAND No. 69—MISCELLANEOUS DEPARTMENTS.

Mr. President: The question is:

"That a sum not exceeding Rs. 4,40,000 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, 1933, in respect of 'Miscellaneous Departments'."

The motion was adopted.

DEMAND No. 70—INDIAN STORES DEPARTMENT.

Mr. President: The question is:

"That a sum not exceeding Rs. 4,01,000 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, 1933, in respect of 'Indian Stores Department'."

The motion was adopted.

DEMAND No. 71—CURRENCY.

Mr. President: The question is:

"That a sum not exceeding Rs. 45,32,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Currency'."

The motion was adopted.

DEMAND No. 72—MINT.

Mr. President: The question is:

"That a sum not exceeding Rs. 21,60,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Mint'."

The motion was adopted.

DEMAND No. 73—CIVIL WORKS.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,82,15,000 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, 1933, in respect of 'Civil Works'."

The motion was adopted.

DEMAND No. 74—SUPERANNUATION ALLOWANCES AND PENSIONS.

Mr. President: The question is:

"That a sum not exceeding Rs. 58,30,000 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, 1933, in respect of 'Superannuation Allowances and Pensions'."

The motion was adopted.

DEMAND No. 75—STATIONERY AND PRINTING.

Mr. President: The question is:

"That a sum not exceeding Rs. 39,40,000 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, 1933, in respect of 'Stationery and Printing'."

The motion was adopted.

DEMAND No. 76—MISCELLANEOUS.

Mr. President: The question is:

"That a sum not exceeding Rs. 10,12,000 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, 1933, in respect of 'Miscellaneous'."

The motion was adopted.

DEMAND No. 76-A —EXPENDITURE ON RETRENCHED PERSONNEL CHARGED TO REVENUE.

Mr. President: The question is:

"That a sum not exceeding Rs. 19,25,000 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, 1933, in respect of 'Expenditure on retrenched personnel charged to Revenue'."

The motion was adopted.

DEMAND No. 77—REFUNDS.

Mr. President: The question is:

"That a sum not exceeding Rs. 84,12,000 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, 1933, in respect of 'Refunds'."

The motion was adopted.

DEMAND No. 78—NORTH-WEST FRONTIER PROVINCE.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,00,18,000 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, 1933, in respect of 'North-West Frontier Province'."

The motion was adopted.

DEMAND No. 79—BALUCHISTAN.

Mr. President: The question is:

"That a sum not exceeding Rs. 27,00,000 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, 1933, in respect of 'Baluchistan'."

The motion was adopted.

DEMAND No. 80—DELHI.

Mr. President: The question is:

"That a sum not exceeding Rs. 44,32,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Delhi'."

The motion was adopted.

DEMAND No. 81—AJMER-MERWARA.

Mr. President: The question is:

"That a sum not exceeding Rs. 13,53,000 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, 1933, in respect of 'Ajmer-Merwara'."

The motion was adopted.

DEMAND No. 82—ANDAMANS AND NICOBAR ISLANDS.

Mr. President: The question is:

"That a sum not exceeding Rs. 31,49,000 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, 1933, in respect of 'Andamans and Nicobar Islands'."

The motion was adopted.

DEMAND No. 83—RAJPUTANA.

Mr. President: The question is:

"That a sum not exceeding Rs. 4,19,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Rajputana'."

The motion was adopted.

DEMAND No. 84—CENTRAL INDIA.

Mr. President: The question is:

"That a sum not exceeding Rs. 3,88,000 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, 1933, in respect of 'Central India'."

The motion was adopted.

DEMAND No. 85—HYDERABAD.

Mr. President: The question is:

"That a sum not exceeding Rs. 2,71,000 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, 1933, in respect of 'Hyderabad'."

The motion was adopted.

DEMAND No. 85-A—ADEN.

Mr. President: The question is:

"That a sum not exceeding Rs. 4,17,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Aden'."

The motion was adopted.

DEMAND No. 86—EXPENDITURE IN ENGLAND—SECRETARY OF STATE.

Mr. President: The question is:

"That a sum not exceeding Rs. 19,16,000 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, 1933, in respect of 'Expenditure in England—Secretary of State for India'."

The motion was adopted.

DEMAND No. 87—EXPENDITURE IN ENGLAND—HIGH COMMISSIONER FOR INDIA.

Mr. President: The question is:

"That a sum not exceeding Rs. 23,35,000 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, 1933, in respect of 'Expenditure in England—High Commissioner for India'."

The motion was adopted.

DEMAND No. 88—CAPITAL OUTLAY ON SECURITY PRINTING.

Mr. President: The question is:

"That a sum not exceeding Rs. 4,000 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, 1933, in respect of 'Capital Outlay on Security Printing'."

The motion was adopted.

DEMAND No. 89—FOREST CAPITAL OUTLAY.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Forest Capital Outlay'."

The motion was adopted.

DEMAND No. 90—IRRIGATION.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Irrigation'."

The motion was adopted.

DEMAND No. 91—INDIAN POSTS AND TELEGRAPHS.

Mr. President: The question is:

"That a sum not exceeding Rs. 23,13,000 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, 1933, in respect of 'Indian Posts and Telegraphs'."

The motion was adopted.

DEMAND No. 93—CAPITAL OUTLAY ON CURRENCY NOTE PRESS.

Mr. President: The question is:

"That a sum not exceeding Rs. 4,000 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, 1933, in respect of 'Capital Outlay on Currency Note Press'."

The motion was adopted.

DEMAND No. 94—CAPITAL OUTLAY ON VIZAGAPATAM HARBOUR.

Mr. President: The question is:

"That a sum not exceeding Rs. 55,52,000 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, 1933, in respect of 'Capital Outlay on Vizagapatam Harbour'."

The motion was adopted.

DEMAND No. 95—CAPITAL OUTLAY ON LIGHTHOUSES AND LIGHTSHIPS.

Mr. President: The question is:

"That a sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Capital Outlay on Lighthouses and Lightships'."

The motion was adopted.

DEMAND No. 96—COMMUTED VALUE OF PENSIONS.

Mr. President: The question is:

"That a sum not exceeding Rs. 31,28,000 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, 1933, in respect of 'Commuted Value of Pensions'."

The motion was adopted.

DEMAND No. 96-A—EXPENDITURE ON RETRENCHED PERSONNEL CHARGED TO CAPITAL.

Mr. President: The question is:

"That a sum not exceeding Rs. 23,00,000 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, 1933, in respect of 'Expenditure on retrenched personnel charged to Capital'."

The motion was adopted.

DEMAND No. 98—INTEREST-FREE ADVANCES.

Mr. President: The question is:

"That a sum not exceeding Rs. 66,34,000 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, 1933, in respect of 'Interest-free Advances'."

The motion was adopted.

DEMAND No. 99—LOANS AND ADVANCES BEARING INTEREST.

Mr. President: The question is:

"That a sum not exceeding Rs. 12,71,31,000 be granted to the Governor General in Council to defray the charges, which will come in course of payment, during the year ending the 31st day of March, 1933, in respect of 'Loans and Advances bearing interest'."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 23rd March, 1932.

LEGISLATIVE ASSEMBLY.

Wednesday, 23rd March, 1932.

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

MEMBERS SWORN:

Mr. Girja Shankar Bajpai, C.I.E., C.B.E., M.L.A. (Government of India: Nominated Official); and
Mr. Tin Tut, M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

AMOUNT OF CONTRIBUTIONS FROM DIFFERENT NATIONS TO THE LEAGUE OF NATIONS.

862. *Mr. K. P. Thampan: Will Government be pleased to state:
- (a) the total amount contributed by India to the League of Nations every year ever since its inception;
 - (b) the amount contributed by Great Britain and the several British Dominions;
 - (c) what the principle is on which these contributions are made; whether it is on the basis of population or total revenue of the respective countries;
 - (d) what was the amount contributed by China, Japan, France and Germany during the last three years?

Sir Lancelot Graham: (a), (b) and (d). A statement is laid on the table.

(c) On the basis explained in the Report of the 4th Committee to the 6th Assembly of the League which the Honourable Member will find in Appendix II, Annex. XIII to the Final Report of the Delegates of India to that Assembly.

Statement showing amounts of India's contribution to the League of Nations.

	In pounds (sterling).
1921-22	54,916
1922-23	43,748
1923-24	77,799
1924-25	70,526
1925-26	53,288
1926-27	54,415
1927-28	50,034
1928-29	51,415
1929-30	56,710
1930-31	60,784
1931-32 (Revised Estimate)	67,725
1932-33 (Budget Estimate)	94,350

(2347)

A*

Statement (2) showing the amounts in Gold Francs contributed by Great Britain and the several British Colonies for the years 1919—1932 and (3) China, Japan, France and Germany for the years 1929, 1930 and 1931.

Year.	Country.	Amount in Gold Francs.
1932	South Africa	484,417·81
	Australia	879,075·92
	Canada	1,143,353·80
	Great Britain	3,466,499·54
	New Zealand	329,158·96
1931	South Africa	449,923·88
	Australia	816,986·88
	Canada	1,062,867·99
	Great Britain	3,225,042·12
	New Zealand	306,163·02
1930	South Africa	403,598·96
	Australia	733,601·99
	Canada	954,776·51
	Great Britain	2,900,767·72
	New Zealand	275,279·74
1929	South Africa	375,289·11
	Australia	682,644·26
	Canada	888,720·17
	Great Britain	2,702,598·57
	New Zealand	256,406·50
1928	South Africa	333,626·67
	Australia	614,775·74
	Canada	804,553·39
	Great Britain	2,486,536·50
	New Zealand	234,845·30
1927	South Africa	323,711·29
	Australia	596,928·09
	Canada	781,417·53
	Great Britain	2,417,128·95
	New Zealand	228,235·05
1926	South Africa	367,085·91
	Australia	660,754·64
	Canada	856,533·79
	Great Britain	2,569,601·33
	New Zealand	244,723·93
1925	South Africa	363,499·54
	Australia	630,065·87
	Canada	848,165·60
	Great Britain	2,132,530·53
	New Zealand	242,333·03
1924	South Africa	373,931·91
	Australia	648,148·64
	Canada	872,507·79
	Great Britain	2,193,733·62
	New Zealand	249,287·94
1923	South Africa	407,947·68
	Australia	707,109·31
	Canada	951,877·92
	Great Britain	2,583,668·64
	New Zealand	271,965·12

Year.	Country.	Amount in Gold Francs.
1922	South Africa	1,011,335
	Australia	1,011,335
	Canada	1,011,335
	Great Britain	1,011,335
	New Zealand	121,360
1921	South Africa	1,041,666
	Australia	1,041,666
	Canada	1,041,666
	Great Britain	1,041,666
	New Zealand	125,000
1920	South Africa	523,000
	Australia	523,000
	Canada	523,000
	Great Britain	523,000
	New Zealand	62,760
1919	South Africa	293,615
	Australia	293,615
	Canada	293,615
	Great Britain	293,615
	New Zealand	35,232

Statement (3)—China, Japan, France and Germany.

Year.	Country.	Amount in gold Francs.
1931	China	1,438,861·32
	Japan	1,829,278·06
	France	2,418,361·57
	Germany	2,471,087·93
1930	China	1,296,798·23
	Japan	1,643,978·37
	France	2,174,383·65
	Germany	2,227,110·01
1929	China	1,209,981·33
	Japan	1,530,738·90
	France	2,025,284·98
	Germany	2,078,011·34

Mr. K. P. Thampan: May I know whether India has derived any specific benefit by being a member of the League of Nations?

Sir Lancelot Graham: I should imagine that India has derived the benefit which the rest of the world has derived from the League of Nations.

Mr. K. P. Thampan: In view of the fact that the authority of the League Council has not been respected by Japan in regard to the Manchurian question, will the Government of India consider the desirability of stopping their contribution to and withdrawing from the membership of the League of Nations?

Sir Lancelot Graham: May I know if that arises out of the question?

Mr. President: I think it does.

Sir Lancelot Graham: In that case I must reserve my answer.

Sardar Sant Singh: May I know if India has ever voted independently of Great Britain in the League of Nations?

Sir Lancelot Graham: I would ask for notice of that question.

Dr. Ziauddin Ahmad: Will Government be pleased to consider as a measure of retrenchment the reduction of India's contribution to this pleasant club called the League of Nations?

Sir Lancelot Graham: The Honourable Member is asking the Government to consider what is quite impossible. We have either got to remain in the League of Nations or not: we cannot reduce our subscription as we please.

Mr. K. P. Thampan: Is it a fact that, constituted as at present, India only helps Great Britain to increase its number of votes in the League?

Sir Lancelot Graham: Certainly not.

Dr. Ziauddin Ahmad: Is it not a fact that other countries have as a matter of retrenchment reduced their contributions?

Sir Lancelot Graham: It is certainly not a fact.

REFUND TO EMPLOYEES OF THE POSTS AND TELEGRAPHS DEPARTMENT OF DEDUCTIONS FROM THEIR SALARIES.

863. ***Mr. Bhuput Singh** (on behalf of Rai Bahadur Sukhraj Rai): Have Government decided to refund with interest the amount to the employees of the Posts and Telegraphs Department, that is being deducted from their salaries, if the Department makes profit in future?

The Honourable Sir Joseph Bhole: No, Sir.

CUTS IN LOW PAYS IN THE LOCAL GOVERNMENTS AND THE GOVERNMENT OF INDIA.

864. ***Mr. Bhuput Singh** (on behalf of Rai Bahadur Sukhraj Rai): Is it a fact that the cut in the Local Governments affects those whose pay is above forty, while in the Imperial Government it affects even those whose wage is one rupee only? If so; why is this differential treatment?

The Honourable Sir George Rainy: I presume the Honourable Member refers to the distinction which has been made between the two great commercial departments—that is the Railways and the Posts and Telegraphs and the other Departments of the Central Government. In the latter the cut was at the uniform rate of 10 per cent., subject to the exemption of those drawing not more than Rs. 40 a month. In the Railways and the Posts and Telegraphs the rate is half an anna in the rupee up to Rs. 30 a month, one anna in the rupee from Rs. 30 to Rs. 83½ and 10 per cent. on pay in excess of that figure. It was found impossible to effect the necessary economies in the two commercial departments, if the limit of Rs. 40 a month was retained, owing to the fact that the wages bill of the lower paid employes is a very large proportion of the total pay of the staff.

QUESTIONS AND ANSWERS.

CUT IN PAY OF TELEPHONE OPERATORS.

865. ***Mr. Bhuput Singh** (on behalf of Rai Bahadur Sukhraj Rai): (a) Is it a fact that Government have applied the cut scheme to the telephone operators, with a view to meet the loss incurred by the Postal and Telegraph Branch? Is it a fact that the telephone branch is not a losing concern?

(b) Will Government be pleased to state whether the privileges that are enjoyed by the Postal and Telegraph employees are equally enjoyed by the telephone operators? If not, what is the reason for such differential treatment?

Mr. T. Ryan: (a) The emergency cut in salaries has been applied to Government servants in general, and the question of the profit or loss of the Telephone Branch (though it is expected to work at a small profit in 1932-33) does not arise in this connexion.

(b) If by privilege the Honourable Member means all conditions of service the reply is in the negative. Conditions differ in different branches of the service, according to the nature of, and other circumstances connected with, the duties performed. Any scheme of complete uniformity would be very extravagant.

EXPENDITURE ON THE ECCLESIASTICAL DEPARTMENT.

866. ***Mr. Gaya Prasad Singh:** (a) Is it a fact that about Rs. 32.46 lakhs is spent annually on the Ecclesiastical Department in India; and the whole of it is non-voted, and charged to civil estimates? If so, why?

(b) Is it a fact that the General Purposes Retrenchment Sub-Committee unanimously recommended that "the maintenance of the ecclesiastical establishments by the Government of India is inconsistent with the accepted and avowed policy of religious neutrality and non-discrimination in favour of any creed"?

(c) Do Government propose to put a stop to this expenditure? If not, why not?

The Honourable Sir George Rainy: (a) The Ecclesiastical Budget estimates for 1931-32, including provision in the various Area Demands, amounted to Rs. 32.46 lakhs, and the revised estimates to Rs. 30.47 lakhs. It has always been the practice to show the expenditure in question in the Civil estimates. Under section 67A (3) (v) of the Government of India Act, expenditure which is classified as Ecclesiastical is non-voted.

(b) Yes.

(c) I would refer the Honourable Member to page 119 of the "Summary of the Results of Retrenchment Operations in Civil Expenditure (including Posts and Telegraphs but excluding Railways) and in Military Estimates", copies of which were supplied to Members of the House.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to state if the report of the Retrenchment Committee has been considered in this respect by the Government and what is the result of it?

The Honourable Sir George Rainy: Certainly, the report was considered by the Government and the result of that consideration was the statement to which I have referred, which has been placed in the hands of Honourable Members.

Mr. Lalchand Navalrai: Is it not then for the Government of India to ask the Secretary of State to have the Government of India Act amended so that this expenditure may not be included in it?

The Honourable Sir George Rainy: No doubt the Government of India could do so, but they have not yet found sufficient reason for doing so.

Mr. Lalchand Navalrai: What are their reasons for not doing it?

The Honourable Sir George Rainy: I think that the reason for doing it first requires to be established.

Sardar Sant Singh: Is it not a racial discrimination?

Mr. Lalchand Navalrai: The Government say they are not going to move in this direction and for that they must have some very cogent reasons. I want the Honourable Member kindly to inform the House the reasons why the Honourable Member is not prepared to do it now; and if not now, will they lay the information on the table hereafter?

The Honourable Sir George Rainy: I am afraid I cannot add to the answer I have already given.

Dr. Ziauddin Ahmad: Is it not a fact that the Finance Member said in his reply very clearly that the question is one of policy and not of retrenchment?

The Honourable Sir George Rainy: I believe that is correct.

Mr. Gaya Prasad Singh: Is it a fact that a considerable part of this expenditure pertains to the Army Department and if so, why has the whole of this expenditure been put on to the civil estimates?

The Honourable Sir George Rainy: I have said in my answer that this has been the invariable practice for a long time, but the proper allocation of the expenditure is a different matter which Government would be quite prepared to consider and indeed we are considering it now.

Mr. Lalchand Navalrai: Is the Honourable Member aware that practices are changing nowadays and this should also change?

(No answer was given.)

INTERCEPTION OF A TELEGRAM SENT BY MISS MIRA BEN.

867. ***Mr. Gaya Prasad Singh:** Will Government kindly state whether the following message from Miss Mira Ben was intercepted? If so, will Government please state their reason for such action?

"To

Tom Williams, M.P.,
House of Commons,
London.

Whole nation under rule of drastic ordinances. Indiawide response to national call despite wholesale arrests leaders. Seventy-nine Congress bodies declared unlawful Bombay, forty-five Calcutta. Editor, *Bombay Chronicle*, arrested strangulation press expected. Lathi charge and curfew order Cawnpore, lathi charges firing

Benares. Here Principal and two leading professors arrested dead of night National college and Mahadevbhai Desai Ashram as suspects. Mrs. Kamaladevi Chattopadhyaya and eight other ladies arrested Bombay. Secretary, Government of India, has issued long misleading statement in which he makes no mention Gandhiji's efforts to secure interview with Viceroy besides other serious misrepresentations. In view of developing situation would suggest Bertrand Russel joins deputation contemplated by Horace Alexander wire acknowledgment this cable—Mira,

Ahmedabad, 7-1-1932."

The Honourable Sir James Crerar: With your permission, Sir, I will reply to this question and questions Nos. 868 and 869 together.

The reply to the first part of the questions is in the affirmative. These messages were misleading and intended as mischievous propaganda against action which Government had been compelled to take, and at the time of their interception they were held, in my opinion rightly, to be objectionable and therefore intercepted under the provisions of section 5 of the Indian Telegraph Act.

Mr. Gaya Prasad Singh: May I know what are the particular passages which are incorrect or misleading?

The Honourable Sir James Crerar: I think my description of the messages applies to them as a whole.

INTERCEPTION OF A TELEGRAM SENT BY MISS MIRA BEN.

†868. ***Mr. Gaya Prasad Singh:** Will Government kindly state whether the following message from Miss Mira Ben was intercepted? If so, will Government please state their reasons for doing so?

"To

Holmes,

12, Park Avenue, .

New York (U. S. A.).

Fine response to national call despite wholesale arrests leaders and Indiawide rule of drastic ordinances. Mahadevbhai Desai arrested Ashram during night and Principal with two leading professors National College as suspects. Lathi charges reported and from Benares firing, Editor, *Bombay Chronicle*, arrested strangulation of Press expected. News of Bapu good—Mira,

Ahmedabad, 7-1-1932."

INTERCEPTION OF A TELEGRAM SENT BY MISS MIRA BEN.

†869. ***Mr. Gaya Prasad Singh:** Will Government kindly state whether the following message from Miss Mira Ben, was intercepted? If so, will Government please state their reasons for doing so?

"To

Rolland,

Villeneuve Vaud.

Mahadev arrested Ashram during night as suspect. Fine response national call despite wholesale arrests leaders and Indiawide rule of drastic ordinances, news Bapu good, wire if this and previous cable have reached you—Mira,

Ahmedabad, 7-1-1932."

† For answer to this question, see answer to question No. 867.

RETRENCHMENT OF OFFICIALS ON STATE RAILWAYS NEARING THE AGE OF
SUPERANNUATION.

870. *Lieut.-Colonel Sir Henry Gidney: (a) Will Government please state whether the clause relating to "those nearing the superannuation age" has been applied to officials on State Railways as a measure of retrenchment?

(b) If the answer to part (a) be in the affirmative, how many officers have been retrenched for this reason alone?

(c) If the answer to part (a) be in the negative, how many officers are there on the various State Railways today whose ages are between 52 and 55 years, i.e., nearing superannuation?

Mr. P. R. Rau: (a) and (b). No superior officer has recently been discharged on State-managed Railways on the ground that he was nearing the age of superannuation.

(c) The number of officers in service on the State-managed Railways who were born prior to March, 1880 is 96. This number includes officers on leave preparatory to retirement.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member please inform this House why is it that no officer nearing the age of superannuation has been discharged?

Mr. P. R. Rau: The procedure relating to the discharge of superior officers was fully explained to the House in the course of the Budget debate by Mr. Hayman, and I have nothing to add to that explanation.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member please say whether it is a fact or not that in regard to discharging officers one set of rules is applied to officers and another set of rules is applied to subordinates?

Mr. P. R. Rau: No, Sir; it was explained by Mr. Hayman that the same rules applied both to officers as well as to subordinates, and I believe he gave certain figures to show that the number of subordinate staff retrenched as nearing superannuation was very small in proportion to the total number.

Lieut.-Colonel Sir Henry Gidney: In view of the Honourable Member's reply, will he kindly inform this House why, if that is the case, no officers have been retrenched when the same rules apply?

Mr. P. R. Rau: As I have already stated, the reasons were given fully by Mr. Hayman, and I do not think it is necessary for me to repeat them on the floor of the House.

Lieut.-Colonel Sir Henry Gidney: That is evasion, Sir.

Dr. Ziauddin Ahmad: What is the superannuation age, is it below 50?

Mr. P. R. Rau: It is 55.

Dr. Ziauddin Ahmad: Was not the rule applied in some cases to persons who had not even reached the age of 50, but were only 47 or 48?

Mr. P. R. Rau: The rule laid down by the Railway Board, I think, referred to persons nearing the age of superannuation.

Dr. Ziauddin Ahmad: Will the Honourable Member consider the cases of certain individuals where this superannuation rule was applied to persons who were below 50 years of age?

Mr. P. R. Rau: I am not aware of any particular cases, but as I have already stated, the total number was less than 700 out of a total of 40,000.

Dr. Ziauddin Ahmad: Will the Honourable Member kindly consider any individual cases if they are brought to his notice in which the superannuation rule was applied to people who were above 47 or 48 but below 50 years of age?

Mr. P. R. Rau: If the Honourable Member will supply me with a list of such cases, I will look into the matter.

Dr. Ziauddin Ahmad: Thank you.

APPOINTMENT OF DIRECTOR OF REGULATIONS AND FORMS.

871. * Mr. S. C. Mitra: (a) Is it a fact that the appointment of Establishment Officer, Army Department, has been abolished and an appointment designated Director of Regulations and Forms created in its place? If so, has any saving resulted from this arrangement?

(b) Is it a fact that the present Director of Regulations and Forms is paid out of the Military Estimates, whereas the late establishment Officer, Army Department, used to be paid from the Civil Estimates? If so, what difference has it produced on the total expenditure of Government?

(c) Is the appointment of Director of Regulations and Forms a permanent or only a temporary measure?

Mr. G. M. Young: (a) The post now held by the Director, Regulations and Forms, was created as a temporary appointment two years ago, with practically no extra expense, as the ministerial establishment was found from Army Headquarters, and other officers' posts were reduced then or about that time. When the post was made permanent, it was found possible to dispense with the appointment of Establishment Officer also, and this resulted in a clear saving to Government of the whole of the Establishment Officer's pay.

(b) The answer to the first portion of this question is in the affirmative. I have explained in my answer to part (a) how the saving was effected.

(c) The appointment is now permanent. Its creation has already led to large economies, apart from the reduction of the post of Establishment Officer. The expenditure under the heads now controlled by the Director, Regulations and Forms, has diminished from Rs. 19,16,000 in 1930-31 to Rs. 15,38,000 in 1931-32, and is estimated at Rs. 15,07,000 in 1932-33.

PAYMENT OF AN HONORARIUM TO MR. PAGE OF THE ARCHEOLOGICAL DEPARTMENT FOR PREPARATION OF A BUDDHIST DESIGN.

872. *Mr. Uppi Saheb Bahadur: (a) Will Government please state if it is a fact that Mr. Page of the Archæological Department prepared a design of a Buddhist Vihara for one of the Indian States or a Buddhist Association a few years ago?

(b) If the reply to part (a) be in the affirmative, did Mr. Page receive any honorarium for the work? If so, did Government permit him to accept it?

(c) What was the total amount received by Mr. Page?

(d) Is such honorarium free from income-tax; if not, has the income-tax been recovered from Mr. Page; if not, why not?

Mr. G. S. Bajpai: (a), (b), (c) and (d). Mr. Page prepared a design for a Buddhist Vihara in Calcutta in 1917 at the request of the then Director General of Archæology in India. No honorarium was paid to him for this work. He was, however, paid an honorarium of Rs. 3,000 with the permission of Government for preparing the design for a temple in Mayurbhanj State. The question whether income-tax was paid on the amount is under investigation.

REPORT OF THE ARCHEOLOGICAL DEPARTMENT.

873. *Mr. Uppi Saheb Bahadur: (a) Will Government please state if any date has been fixed by them for the issue of the annual report of the Archæological Department? If so, has the report for 1931-32 issued? If not, when is it likely to be issued?

(b) What is the latest report issued by the Department? Is it a fact that the report, for 1927-28 has only recently been issued and others are still due? Will Government please state why reports are not annually issued?

(c) Will Government please state who is responsible for this delay and what action they propose to take to bring the reports up to date?

Mr. G. S. Bajpai: (a) Yes, the 1st January following the year to which the annual report relates. The report for the year 1931-32 has not yet been issued. It will appear some time in 1933.

(b) and (c). The latest report issued by the Archæological Department is that for the year 1927-28. It was published in 1931. Reports for the subsequent years are still due. The delay is regretted but appears to have been due to the complexity of the factors involved in the publication, e.g., preparation of plates, careful editorial revision by the Director-General of Archæology in India, etc., which have to be regulated with the utmost care in order to ensure, so far as possible, the technical perfection and scholarly accuracy for which the publications of the Department are noted. The pressure of administrative work on the officers concerned is also a contributory factor. Government are, however, asking the Director-General of Archæology in India to examine the possibility of expediting the issue of these Departmental reports, and hope that it will be possible to shorten the time that has so far generally intervened between the appearance of a report and the period to which it relates.

Dr. Ziauddin Ahmad: The Honourable Member did not say anything about the Reports for the years 1928-29, 1929-30, and 1930-31?

Mr. G. S. Bajpai: I am afraid the Honourable Member did not follow what I did say on that point. I said that the Reports for the subsequent years are still due, that is to say, they have not yet been published.

Sir Cowasji Jehangir: Will the Honourable Member please inform this House how often Government have given the same explanation as the one contained in the last sentence of the Honourable Member?

Mr. G. S. Bajpai: That, Sir requires, I am afraid, a certain amount of historical research (Laughter), but I can assure him that within my experience of the Department, this is the first time that the answer has been given.

Mr. S. C. Mitra: Does the Honourable Member contend that technical perfection and scholarly accuracy are required only in respect of Reports of this particular Department or they are required in respect of all Reports in all the Departments?

Mr. G. S. Bajpai: I should say, Sir, that these are required in all Departments.

Mr. S. C. Mitra: Then why is this delay of four or five years in this particular Department?

Mr. G. S. Bajpai: I have already stated the reasons, viz., that the Reports which this Department issues are very bulky Reports; they run to 300 to 400 pages, and what is more, they trench upon a field which seems to be particularly susceptible of live controversy whether a particular view is correct or not. It seems to be only right, therefore, that the Director-General of Archæology should make sure of the accuracy of the statements he makes.

Dr. Ziauddin Ahmad: In view of the fact that the Report does not deal explicitly with the results of research work, is it desirable to wait till the controversies upon the various theories are solved?

Mr. G. S. Bajpai: Well, Sir, I do not for a moment subscribe to the suggestion of the Honourable Member that these Reports do not contain points which are the results of historical research or careful reflection, and, as regards the suggestion that the Department might wait until the results of research have been carefully tested by other people, I would point out that it is only by publication that the world can have an opportunity of testing the results of the researches made by the Department of Archæology.

RETRENCHMENT IN THE ARCHEOLOGICAL DEPARTMENT.

874. *Mr. Uppi Saheb Bahadur: (a) Will Government please state if retrenchment has been made in the Archæological Department in accordance with the orders issued by the Home Department?

(b) Is it a fact that the Director General of Archæology made an arbitrary selection of personnel for retrenchment without consulting any of the Provincial Superintendents? If so, why?

(c) Did the Director General keep in view the question of maintaining communal proportion in each category and class of appointments? If not, why not?

(d) Is it a fact that the proportion of the Hindus as compared to Muslims has increased, so far as their proportion before retrenchment is concerned?

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LEGISLATIVE ASSEMBLY.

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Mr. G. S. Bajpai: (a) Yes, so far as practicable.

(b) The Director-General of Archæology had to use his own discretion in the matter as the urgent need for economy did not permit of consultation with Circle Superintendents.

(c) The answer to the first part of the question is in the affirmative. The second part does not therefore arise.

(d) The proportion of the Hindus has increased by 1.3 per cent.

ABOLITION OF THE POST OF ASSISTANT ENGINEER, ARCHÆOLOGICAL DEPARTMENT, AGRA.

875. ***Mr. Uppi Saheb Bahadur:** (a) Is it a fact that the United Provinces Government have refused to take over conservation in the United Provinces?

(b) If so, will Government please state reasons for their abolishing the post of Assistant Engineer attached to the office of the Archæological Superintendent, Agra?

(c) What is the total amount of money spent on conservation both in the Agra and Lahore Circles of the Department?

(d) Is it a fact that there is an Assistant Engineer at Lahore? If so, how do Government justify the abolition of the post of the Engineer at Agra leaving only the Superintendent to supervise the whole work? Is it a fact that the work is on the increase there in comparison with the Lahore Circle?

(e) Do Government propose to consider the question of the appointment of the engineer at Agra?

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

(b) The post has been abolished as a measure of retrenchment.

(c) A statement giving figures for the last three years is laid on the table.

(d) and (e). There is an Assistant Engineer at Lahore, but the question of retransferring the execution of Central archæological works to the Provincial Public Works Department in the Punjab is under consideration. There was more work in the Agra Circle before than in the Lahore Circle, but the drastic reduction in the future provision for conservation work makes it impossible to say how the requirements of the two circles in this respect will compare in future and whether it will be possible to employ an Engineer for Agra.

Statement showing the figures of expenditure on conservation in the Lahore and Agra Circles for the years 1928-29, 1929-30 and 1930-31.

Years.	Lahore Circle.		Agra Circle.	
	Rs.		Rs.	
1928-29	.	1,07,259	.	1,49,589
1929-30	.	1,02,668	.	1,28,586
1930-31	.	1,05,325	.	1,15,175

PERCENTAGE OF HINDUS AND MUSLIMS IN THE ARCHÆOLOGICAL DEPARTMENT.

876. ***Mr. Uppi Saheb Bahadur:** (a) Will Government please state the number of (1) Epigraphical Assistants, Assistant Surveyors and Munshis, (2) Photographers, (3) Draftsmen Photographers, (4) Modellers,

and (5) Stenographers, in the Archæological Department, both Hindus and Muslims and their percentage before and after retrenchment?

(b) Is it a fact that all the Muslims in these categories have been retrenched? If so, what steps do Government propose to take to remove this inequality?

Mr. G. S. Bajpai: (a) and (b). I place on the table of the House a statement which shows the result of retrenchment in the clerical and other subordinate categories of the staff of the Archæological Survey of India in complete detail. Honourable Members will observe from this that while in some categories Muslims have suffered more than a strictly proportionate reduction, in others Hindus have been similarly dealt with, and that, taking the staff as a whole, the burden of sacrifice has been equitably distributed.

Statement showing number of Hindus and Muslims in the Archæological Department before and after retrenchment (excluding members of other communities.)

Categories.	No. of Hindus		No. of Muslims	
	Before retrenchment.	After retrenchment.	Before retrenchment.	After retrenchment.
1. Superintendent (Rs. 350—25—600) .	1	1	..	..
2. Assistants (Rs. 120—350) .	3	3	1	1
3. Clerks (including Head clerks in circle offices) on salaries varying from Rs. 40 to 125—5—175 .	31	24	15	14
4. Stenographers (varying from Rs. 70—5—100 to 150—400) .	3	3	1	..
5. Photographers (varying from Rs. 65—5—130 to Rs. 150—5—250) .	10	9	2	..
6. Draftsmen (varying from Rs. 60 to Rs. 250) .	11	7	2	3
7. Excavation Assistants (Rs. 250—10—350) .	5*	..	1	1
8. Conservation Assistants (Rs. 150—10—350) .	4	3	3	3
9. Mechanics (Rs. 25) .	1	1	..	..
10. Sub-overseers (Rs. 75—5—125) .	3	3	3	2
11. Gallery Assistants, Custodians, Curators and Marksmen (varying from Rs. 30—5—50 to Rs. 200—10—350) .	6	8†	3	3
12. Photoprinters (Rs. 30—1—50) .	2	2	..	..
13. Modellers (varying from Rs. 75—5—150 to Rs. 100—10—200) .	1	1	2‡	..
14. Reader, Munshi, Epigraphical Assistants, Assistant Surveyor (varying from Rs. 100—5—150 to Rs. 150—10—250) .	7	6	2	1
15. Laboratory Assistants (Rs. 30—3—60 and 60—120) .	2	1	..	..
16. Storekeeper and Head Mason (Rs. 40 and Rs. 51) .	..	..	2	..
Total .	90	72	37	28

* 3 re-employed after retrenchment as Custodians and included in category No. 11.

† Vide remarks against item 7.

‡ One re-employed (after retrenchment) as Draftsman and included in category No. 6.

RETRENCHMENT OF MUSLIM RAILWAY SERVANTS.

877. *Mr. Uppi Saheb Bahadur: (a) Are Government aware that the operation of retrenchment in the Punjab has caused widespread complaint among Muslim employees, in that the principles governing discharge of Railway employees as laid down in rule (6) of the rules regarding the discharge and dismissal of State Railway servants have not been properly observed and that no serious attempt has been made to alleviate distress by absorbing the discharged servants in other branches of service?

(b) Are Government aware that there is a feeling among Muslims that in effecting retrenchment, subordinate officials belonging to other communities have been able to manoeuvre high officials into making discrimination against efficient Muslim employees thereby defeating the object of the repeated assurances given by the Honourable Sir George Rainy and other high authorities to the effect that special attention would be devoted to the equitable claim of the Muslims?

Mr. P. R. Rau: (a) Except for the fact pointed out in paragraph 11 of Mr. Hassan's report that two divisions of the North Western Railway overlooked the instructions of the Agent that the percentage of Muslims and minority communities must be maintained in the same proportion as before retrenchment. Government are not aware that the operation of retrenchment has caused widespread complaint among Muslim employees.

(b) No, Sir. Government consider there is no ground for such a feeling.

Dr. Ziauddin Ahmad: The Honourable Member has just stated that the retrenchment has not created widespread dissatisfaction. If the Honourable Member go into the country and ascertain the true facts, he will realise that that is not correct.

Mr. P. R. Rau: I said that it had not caused widespread complaint among Muslim employees in particular, but obviously any scheme of retrenchment must cause widespread discontent among employees in general.

WATER SUPPLY OF AJMER.

878. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Will Government please state whether it is a fact, (i) that no filtered water is supplied to the citizens of Ajmer by the Ajmer Municipal Board, (ii) that the water supplied by the said Board to its citizens is kept for several days in little tanks exposed to all sorts of nuisance and unprotected by barriers, and (iii) that a sufficient quantity of water is not supplied to the citizens of Ajmer?

(b) Will Government please state whether they are aware (i) that throughout the whole day refuse and night-soil carts ply in the main streets of Ajmer city, (ii) that night-soil mixed with foul water is carried in the said carts in contravention of the rules framed for their removal, (iii) that sweepers are allowed and directed to throw foul water in the streets and in the lanes even at the time when a few drops of water happen to fall from the sky in the Ajmer city, (iv) that the water supplied

to Ajmer citizens for drinking has been declared unfit for human consumption by the Health Officer in the past years several times, and (v) that no steps for purifying the water has been taken by the Municipal Board and people are obliged to use the same dirty water?

(c) Are Government aware that Mr. G. W. Disney, the Sanitary Engineer, Eastern Bengal and Assam, has passed the remark that efficient water works mean a large saving of human life and of much misery?

(d) If what are stated above are facts, what steps do Government propose to take to set matters right in interest of the public?

Sir Evelyn Howell: With your permission, Sir, I propose to answer questions Nos. 878 and 879 together. The information is being collected and will be given to the House in due course.

MANAGEMENT OF THE FINANCES OF THE MUNICIPAL BOARD, AJMER.

†879. *Maulvi Sayyid Murtuza Saheb Bahadur: (a) Will Government state whether (i) it is a fact that a sum of Rs. 5,388-1-8 was written off as no papers concerning the said sum were traceable by the Municipal Board, Ajmer, (ii) they are aware that no heed is being paid by the said Board to the Government auditor's objections that sanction of the General Committee to grant advances does not appear to have been obtained in any case and that grant of advances of big amounts to the members of the Committee and their non-adjustment for long periods is a serious irregularity, and that no advances be made to a member for the execution of work or for the purchase of articles, and (iii) it is a fact that, in 1931, the Ajmer Municipal Board spent Rs. 337-5-4 more than the amount sanctioned by the Chief Commissioner for the maintenance of suburban roads?

(b) If what are stated above are facts, what steps do Government propose to take to set right the management of pecuniary matters of the Municipal Board, Ajmer?

INCREASE OF SUPERIOR OFFICERS ON THE EASTERN BENGAL RAILWAY.

880. *Mr. N. M. Joshi: (a) Will Government be pleased to state whether it is a fact that since the formation of the Personnel Branch of the Eastern Bengal Railway the number of superior officers has been increased from one to three at an increased cost of Rs. 1,500 per mensem approximately?

(b) If the reply to part (a) is in the affirmative, will Government be pleased to state the justification of this increase in expenditure when thousands of subordinate employees have been retrenched and several thousands are under the retrenchment axe?

Mr. P. R. Rau: (a) I am informed that the reorganisation of the arrangements for Personnel work in the Headquarters Offices of the Eastern Bengal Railway has been effected without an increase in the number of superior officers who were formerly engaged on Establishment work in these offices.

(b) Does not arise.

†For answer to this question, see answer to question No. 878.

ALLEGED THREATENING OF MUSLIM CLERKS IN THE RAILWAY CLEARING
ACCOUNTS OFFICE.

881. ***Mr. M. Maswood Ahmad:** Are Government aware that R. E. Faqir Chand, Deputy Director, Railway Clearing Accounts Office, threatens Muslim clerks of this office that he would retrench them if they would form or join a Muslim Union?

Mr. P. R. Rau: I understand that there is no foundation for the allegation.

PAYSHEETS OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

882. ***Mr. M. Maswood Ahmad:** Will Government be pleased to lay on the table a true copy of the paysheets of the Railway Clearing Accounts Office for the month of January, 1932?

Mr. P. R. Rau: If my Honourable friend had known that the pay sheets of the Clearing Accounts Office consist of 123 pages, 27" x 17" in size, exclusive of about 300 deduction lists, etc., I am sure he would not have made this request.

SENIORITY LIST OF THE RAILWAY CLEARING ACCOUNTS OFFICE.

883. ***Mr. M. Maswood Ahmad:** Will Government be pleased to lay on the table an up-to-date copy of the seniority list of the Railway Clearing Accounts Office?

Mr. P. R. Rau: Government regret that they are unable to place on the table documents of purely departmental interest.

ALLEGED INJUSTICES TO MUSLIM EMPLOYEES ON THE EAST INDIAN RAILWAY.

884. ***Sir Abdullah Suhrawardy:** (a) Is it a fact that the Railway Board was requested to appoint a special committee to redress the injustice done to the Muslim employees under the Crew System in the East Indian Railway?

(b) If so, what action, if any, was taken by the Railway Board?

(c) Is it a fact that the posts of two Passenger Superintendents who held the ranks of Subedar and Jemadar were retrenched?

(d) Were the two retrenched officers provided in the T. T. E. staff?

(e) Is it a fact that the senior officer was given lower rank and pay? What are their names?

Mr. P. R. Rau: (a) Government are unable to trace that any such request was made.

(b) Does not arise.

(c), (d) and (e). Information is being obtained from the Agent, East Indian Railway, and a reply laid on the table in due course.

TERMS FOR DISCHARGE OF RAILWAY EMPLOYEES.

885. ***Sir Abdullah Suhrawardy:** (a) Is it a fact that clause V, sub-clause 2, of the circular issued by the Railway Board to the Agents on 3rd March, 1931, directed that, "Employees discharged from the services on reduction of establishment should be granted all leave on full or average pay at their credit subject to a maximum of four months, provided if such leave at their credit is less than one month, they should in lieu of it be allowed one month's pay in lieu of notice. When under these orders leave of not less than one month is granted it should be made clear to the employee that his service will not be required on the termination of his leave and that he will not be entitled to a further notice of discharge or pay in lieu of such notice"?

(b) Was the benefit of the above rule given to the persons acting in the Crew Department of the East Indian Railway? If not, why not?

Mr. P. R. Rau: (a) Yes.

(b) I have called for information from the Agent, East Indian Railway, and will lay a reply on the table in due course.

LACK OF A WAITING ROOM AT KOSMA.

886. ***Khan Bahadur Haji Wajihuddin:** (a) Are Government aware that there is no waiting room at Kosma, a station on the Shikohabad-Farrukhabad Branch of the East Indian Railway?

(b) Do Government propose to include the cost of its construction in the next year's Budget?

Mr. P. R. Rau: Government are not aware of the arrangements at this particular station. I am sending a copy of the Honourable Member's question to the Agent of the East Indian Railway, but it is unlikely that he will be able to find funds for any alteration in the station buildings next year.

Dr. Ziauddin Ahmad: The cost of providing a shed at a small station hardly exceeds a couple of hundred rupees.

Mr. P. R. Rau: I am afraid I am unable to reply to that question without notice.

ALLOWANCES PERMITTED FOR CERTAIN PRISONERS DETAINED UNDER
REGULATION III OF 1818.

887. ***Mr. K. C. Neogy:** (a) Will Government be pleased to state what allowances have been fixed in the cases of Mr. J. M. Sen Gupta, Mr. Subhas Chandra Bose and Mr. Sarat Chandra Bose who are now detained under Bengal State Prisoners Regulation III of 1818?

(b) What circumstances have been taken into consideration by Government in fixing the said allowances and determining their adequacy "to the supply" of the detenu's "own wants and those of his family, according to their rank in life"?

(c) Will Government be pleased to lay on the table the reports received under section 6 of the said Regulation as regards these State prisoners?

The Honourable Sir James Crerar: (a) Allowances totalling Rs. 167 a month plus a sum of Rs. 294 for the purchase of clothes, furniture and other necessities have been sanctioned for Mr. Sen Gupta himself and Rs. 1,000 a month for the support of his family.

As regards Mr. Subash Chandra Bose, I would refer the Honourable Member to the answer I gave on the 2nd March to Mr. Nabakumar Sing Dudhoria's question No. 600.

No allowances have yet been fixed for Mr. Sarat Chandra Bose whose case is still under the consideration of the Government of Bengal.

(b) The status in life of the State Prisoner and his own wants and those of his family.

(c) I am not prepared to lay the reports which have been submitted for the information of the Governor General in Council on the table. I may say, however, that the reports show that the degree of confinement to which these State Prisoners are subjected to is not liable to injure their health.

Mr. K. C. Neogy: Has the Honourable Member's attention been drawn to certain Press reports regarding the state of health of Mr. Subash Chandra Bose, particularly to the complaint that he is not allowed to go out, except within the limited space of a small courtyard, for taking his walking exercise?

The Honourable Sir James Crerar: I have not seen the Press report to which the Honourable Member has referred.

Mr. K. C. Neogy: May I take it that the reports that the Honourable Member has received under section 6 of the Regulation do not mention anything about the health of these prisoners?

The Honourable Sir James Crerar: Yes. I understand that their health is satisfactory.

Mr. K. C. Neogy: Is the Honourable Member in a position to give us the date of the latest report received on the subject?

The Honourable Sir James Crerar: I do not remember the precise date. I must ask for notice of that.

REPORTS ON THE HEALTH AND TREATMENT OF CERTAIN PRISONERS.

888. ***Mr. K. C. Neogy:** (a) What authorities have been instructed by Government to visit Mr. J. M. Sen Gupta, Mr. Subhas Chandra Bose and Mr. Sarat Chandra Bose, and what instructions have been given to such authorities under section 4 of Bengal State Prisoners Regulation III of 1818?

(b) Will Government be pleased to lay on the table such reports, as may have been received under section 4 of the said Regulation, regarding the health and treatment of each of the said prisoners?

The Honourable Sir James Crerar: (a) The Deputy Commissioner, Jalpaiguri, in the case of Mr. J. M. Sen Gupta and the Resident Sub-Divisional Magistrate, Seoni, in the cases of the two latter. The instructions issued require the officers appointed to visit and report on the State Prisoners once a month.

(b) I am not prepared to lay copies of reports on the table. I may state however for the Honourable Member's information that the latest reports show that Mr. J. M. Sen Gupta, who before his detention was in indifferent health, is doing as well as can be expected. The present state of health of both the other prisoners is reported to be fair.

ALLOWANCES OF TRAVELLING TICKET EXAMINERS.

889. ***Bhai Parma Nand:** (a) Is it a fact that the running train checking staff was from its very start getting mileage allowance, like guards as part of their pay?

(b) Is it a fact that at the time of introducing the crew system, the Travelling Ticket Examiners were getting average allowance and ticket collectors under them were getting mileage allowance?

(c) Is it a fact that from time to time special modes of checking were introduced, but ultimately the work of Travelling Ticket Examiners only was appreciated and maintained?

(d) Is it a fact that the work of the former Special Ticket Examiners was recently condemned by the Agent of the North Western Railway?

(e) Will Government please state whether by changing the cadre of Travelling Ticket Examiners to Special Ticket Examiners and by reducing their mileage allowance (daily allowance), the authorities have lightened their duties also; if not, what was the reason for this reduction?

(f) Is it a fact that the emoluments of other running staff like guards, etc., have also been reduced? If not, why not?

(g) Is it not a fact that while the train is running, the checkers are busy at their work, while the guards sit in the brake and do nothing?

(h) Is it not a fact that the majority of the former Travelling Ticket Examiners were recruited from among the guards and are Government aware that the present reduction of allowance affects them very injuriously?

(i) Will Government lay on the table a comparative statement of income earned by Travelling Ticket Examiners and by other modes of checking?

(j) Are Government contemplating the reduction of a guard's mileage allowance, if not, what is the reason for differential treatment?

Mr. P. R. Rau: (a) Yes, as part of their pay and subject to a maximum of 75 per cent. of pay.

(b) and (h). Information will be obtained and a reply will be laid on the table in due course.

(c) Special modes of checking have been introduced from time to time. Travelling Ticket Examiners were under the control of the Chief Auditor prior to 1928 when the organization for ticket checking was transferred to the control of the Commercial Branch. After further investigation, the present system was introduced in the year 1931 in order to secure permanent economy without detriment to efficiency.

(d) No.

(e) By abolishing the cadre of Travelling Ticket Examiners and absorbing them in the cadre of Special Ticket Examiners the work of Special Ticket Examiners who were formerly Travelling Ticket Examiners has been

lightened, in that previously their duties were entirely connected with the checking of passengers' tickets in running trains, whereas under the new organization they are not exclusively employed on running trains but are employed for station duties also.

(f) and (j). The rates of pay and allowances of other running staff, e.g., Guards, etc., have not been reduced as their duties remain the same.

(g) No.

(i) The information is not readily available. I may add that the so-called earnings of Ticket Examining staff do not furnish a true measure of the efficiency of any particular system.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to say whether the grievances of these Ticket Examiners were brought to the notice of and were considered by the Railway Court of Enquiry?

Mr. P. R. Rau: I believe it was considered by them.

Mr. Lalchand Navalrai: Can the Honourable Member say how it was disposed of?

Mr. P. R. Rau: To the best of my recollection, there are no special recommendations made on this subject, as they thought it was outside the scope of their enquiry.

Dr. Ziauddin Ahmad: If this was considered by the Court of Enquiry, then it would have been mentioned somewhere in the report. Is any reference made in the report of the Court of Enquiry?

Mr. P. R. Rau: I cannot at this moment lay my hand on any particular passage, but to the best of my recollection, as I said, they did not go into it in detail as they considered that it was outside the scope of their enquiry.

Dr. Ziauddin Ahmad: You may take it from me that it was not considered by them. Has the Honourable Member noticed the number of questions that have been asked about T. T. I.'s and T. T. E.'s in this Assembly?

Mr. P. R. Rau: I can claim to be excused from replying to further questions on that subject on that very ground.

Mr. Gaya Prasad Singh: Is it not a fact that some of these T. T. I.'s visit the houses of M. L. A.'s and get these questions put in the Assembly?

Dr. Ziauddin Ahmad: The very fact that these things are asked clearly shows that they have been wronged.

Mr. P. R. Rau: I know that there is a considerable amount of feeling on the subject.

ALLOWANCES OF TRAVELLING TICKET EXAMINERS.

890. ***Bhai Parma Nand:** (a) Is it not a fact that in June, 1912, the matter of reduction of allowances of Travelling Ticket Examiners was thoroughly considered and it was decided that the Travelling Ticket Examiners were entitled to mileage allowances?

(b) Is it a fact that while the daily allowance is given, the checking staff is required to work at night? Is this permissible under the rules?

(c) Is it not a fact that the mileage allowance of the Travelling Ticket Examiners was a part of the terms and conditions of their service?

(d) Is it not a fact that while reducing the allowance of the Travelling Ticket Examiners the authority gave them one day's notice only requiring them either to accept the reduction or consider themselves dismissed; if so, was this permissible under the Fundamental Rules or any other rules?

(e) Will Government please state whether the reduction made is permissible under Fundamental Rule No. 15?

(f) Is it a fact that Travelling Ticket Examiners were also put to work at stations on certain occasions and what allowances were they paid for that period?

(g) If the answer to part (f) of the preceding question is in the negative and the duties of the Special Ticket Examiners, formerly Travelling Ticket Examiners, are not lightened and their work is the same, will Government please state the reasons why their allowances have been reduced, when those of other running staff are maintained intact?

Mr. P. R. Rau: (a) Information is not available as to what happened in this respect during 1912.

(b) The reply to both questions is in the affirmative.

(c) Yes, so long as the posts of Travelling Ticket Examiners existed.

(d) I understand that the staff were not advised that they would be dismissed in the alternative.

(e) Fundamental Rule No. 15 does not apply to cases of this nature.

(f) Information is not available.

(g) Does not arise, as the duties are different.

Lieut.-Colonel Sir Henry Gidney: Arising out of the Honourable Member's reply, to part (c) of this question, is it or is it not a fact that the travelling allowance these men are now receiving is not 1/10th of what they were receiving before?

Mr. P. R. Rau: Possibly, Sir, but I cannot say off hand that the figures are accurate.

Lieut.-Colonel Sir Henry Gidney: Is the Honourable Member aware of the fact that this is not honest retrenchment?

Mr. P. R. Rau: I did not hear the Honourable Member. Will he please repeat the question?

Lieut.-Colonel Sir Henry Gidney: What is the use, Sir?

Dr. Ziauddin Ahmad: Is it a fact, as was pointed out in one case, that an officer checked a bogie carriage and found 37 out of 42 passengers were without tickets?

Mr. P. R. Rau: The Honourable Member is giving me information.

Lieut.-Colonel Sir Henry Gidney: Is it a fact or not a fact that when the allowance of the T. T. E.'s was reduced by the Agents of the various railways, the T. T. E.'s were threatened that if they did not accept the reduction they would be dismissed from service?

Mr. P. R. Rau: I have just replied to that question. I understand from the Agent of the North Western Railway that it is not a fact.

Lieut.-Colonel Sir Henry Gidney: Does this apply to the Eastern Bengal Railway or not?

Mr. P. R. Rau: I want notice of that question.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member make inquiries? I say it is a fact.

Mr. P. R. Rau: If the Honourable Member will give me notice of that question, I will make inquiries.

Dr. Ziauddin Ahmad: Does this not apply to the East Indian Railway as well?

(No reply was given.)

RECRUITMENT OF MUSLIMS IN GOVERNMENT OFFICES.

891. ***Maulvi Sayyid Murtuza Sahab Bahadur:** (a) Is it a fact that the Home Department issued orders on 17th July, 1931, to the effect that Muslims employed temporarily who had not passed the examination of the Public Service Commission may be allowed to hold their appointments without being replaced by qualified non-Muslims until passed Muslim candidates became available?

(b) Is it a fact that the Army Department issued instructions to the Army and Royal Air Force Headquarters on 20th August, 1931, that the vacancies reserved for minority communities *must* be given to Hindus?

(c) Is it a fact that the Army Department communicated to the Army and Royal Air Force Headquarters a copy of the Home Department orders referred to in part (a) in September, 1931?

(d) Is it a fact that four Muslims were discharged from the Quartermaster General's Branch on the 5th October, 1931, and replaced by Hindus?

(e) Is it a fact that the Army Department cancelled their instructions referred to at part (b) on the 7th October, 1931?

(f) Is it a fact that the four Muslims referred to in part (d) were re-instated on the 8th October, 1931, and an equal number of Hindus were discharged instead?

(g) Is it a fact that three Muslims were discharged from the Medical Directorate on the 9th October, 1931?

(h) If the answers to the above be in the affirmative, will Government state the circumstances in which:

(i) the Home Department orders mentioned in part (a) were issued,

(ii) the Army Department instructions mentioned in part (b) were issued and subsequently cancelled,

(iii) the four Muslims mentioned in part (f) were discharged and re-instated,

(iv) the Army Department took full two months in communicating the Home Department orders mentioned in part (a) to the Army and Royal Air Force Headquarters,

(v) the three Muslims mentioned in part (g) were discharged?

(i) Is it a fact that three out of the four Muslims referred to at parts (d) and (f) were again discharged on the 1st March, 1932? If so, why?

Mr. G. M. Young: (a) No, Sir. The orders were to the effect that temporary appointments of unqualified Muslims and lady clerks might be made, or retained, in those posts only which were intended to be held permanently by Muslim or lady clerks as the case might be.

(b) The attention of the Honourable Member is invited to the reply given to part (a) of Maulvi Badi-uz-Zaman's starred question No. 943 on the 24th September, 1931. The instructions issued by the Army Department were shortly afterwards withdrawn. They would have involved the filling up of certain posts by the only qualified candidates then available, who were Hindus.

(c) The orders referred to in part (a) of the question were issued to the Public Service Commission, who communicated them to the Army Department on the 17th September. The Army Department communicated the orders to all Branches of Army Headquarters on the 18th September and cancelled their previous instructions on the 6th October.

(d) No, Sir. Notices of discharge were issued, and withdrawn before they took effect in the case of 3 out of 4 Muslim clerks. The fourth clerk was discharged about the 5th October, but was re-employed from the 13th October. No clerk was replaced by a Hindu.

(e) Yes.

(f) The Honourable Member is referred to the reply which I have just given to part (d).

(g) Yes, because these clerks were not employed in vacancies intended for members of their community.

(h) (i). The circumstances were the failure of Muslim candidates to qualify for vacancies which had been set apart for them.

(h) (ii), (iii), and (v). The answers have been given in my replies to previous parts.

(h) (iv). It is not the case that the Army Department took two months to act upon the orders.

(i) Yes. The ministerial establishment of the Quartermaster-General's Branch was subsequently reduced as part of the general retrenchment. As these clerks were temporary and unqualified, and considered the least efficient, there was no alternative but to select them for retrenchment before others.

Mr. Gaya Prasad Singh: Is it a fact that unqualified clerks who failed at the examination two years ago are being retained in the office, and trained at the expense of the State, in order that they may be able to pass at the next examination, while candidates belonging to other communities who duly passed at the open competitive examination are not being offered employment?

Mr. G. M. Young: I cannot say about other clerks. The clerks to whom I have referred have not been retained.

Mr. Gaya Prasad Singh: Is it a fact that this concession of allowing failed candidates to continue in service until such time as they can pass the examination applies only to lady clerks and Muslims; and if so, are Government prepared to extend this concession to other minority communities also? If not, why not?

Mr. G. M. Young: I must ask for notice of that question.

RETRENCHMENTS IN THE ARMY DEPARTMENT.

892. ***Maulvi Sayyid Murtuza Saheb Bahadur:** (a) Is it a fact that in November, 1931 about a dozen appointments were retrenched in the Army Department?

(b) If so, will Government state the age, length of service and salary at the time of retrenchment of the men concerned?

(c) Is it a fact that one of the men (an Indian) retrenched by the Army Secretary had less than 20 years' service at the time of retrenchment?

(d) Is it a fact that in the Army Department extensions of service have been granted to a man belonging to the European community for the last five years and another extension of service after the age of 60 has been granted?

(e) Will Government explain why the appointment mentioned in part (d) was not retrenched in preference to that mentioned in part (c)?

Mr. G. M. Young: (a) 12 appointments were retrenched; 9 men were discharged and 3 vacant posts were not filled up.

(b) A statement is laid on the table.

(c) and (d). Yes.

(e) The European clerk in question was recruited at the age of 43, and has, therefore, only 17 years' service. He is a clerk of outstanding ability and industry. He was retained at the time of retrenchment, and has been given his latest extension entirely in the interests of efficiency. Under Fundamental Rule 56, a ministerial servant should ordinarily be retained in the service, if he continues to be efficient, up to the age of 60 and may be retained thereafter in very special circumstances, which have to be recorded in writing. I lay on the table a copy of the order recorded at the time that the extension in question was granted. The selection of individuals for retrenchment was carried out, in conformity with the principles laid down by Government, by a Committee consisting of all the officers in the Department, whose conclusions in each case were unanimous. The clerk referred to in part (c) of the question was the only clerk with less than 20 years' service who was retrenched. He was discharged on the first of the grounds laid down for compulsory retirement, *vis.*, his work was considered to be so consistently unsatisfactory that to retain him on the cadre, while others were discharged from it, would have been unjustifiable.

Statement showing the age, length of service and salary of the personnel retrenched from the Army Department.

Serial No.	Name.	Age.	Length of service.	Salary per mensem.
		Y. M.	Y. M.	Rs.
1	Mr. A. P. Bates	53 5	31 7	1,000
2	R. S., H. B. Ghosh	50 9	27 5	800
3	R. S., S. Banerjee	51 0	27 7	800
4	Mr. W. G. Macleod	50 11	32 10	760
5	Mr. R. A. Pereira	43 4	24 8	500
6	Mr. G. I. Cunliffe	48 3	29 5	365
7	Mr. N. C. Banerjee	50 1	26 2	260
8	Mr. D. N. Bose	40 0	15 4	260
9	Mr. M. N. Banerjee	49 4	24 9	196

Fundamental Rule 56 (b).

The grant of an extension to a ministerial servant after he attains the age of 60, can only be sanctioned for very exceptional reasons, which must be recorded in writing.

2. Mr. S.'s great handicap has been the fact that he entered Government service when he was 43 years old, and has thus got only 17 years' qualifying service to his credit. Had he started service at the normal age he would no doubt have been at least in the Superintendent's grade by now.* Although 60 years of age, he is in full vigour and in the best of health and bodily condition. Perhaps it would not be out of place to mention that last winter he met with a serious motor accident, when he was knocked down senseless by a passing motor car; but this accident has not in the least affected his physical or mental condition. He is extremely useful; and it is contemplated, when another Upper Time scale assistant proceeds on long leave next March, to place him in charge of a Section. We have recently carried out heavy retrenchments in the office establishment, and have still to reduce three more First Division appointments gradually on the occurrence of vacancies. So that, if Mr. S. is made to retire, no replacement would be permissible in his place. With the retrenchments that have already been made, it would not be in the public interest to dispense with the services of this fully trained and very useful assistant at the present moment.

(Sd.) A. P. DUBE.

15th February 1932.

I agree, for the above reasons, that Mr. S. should be granted a year's extension from the date on which he attains the age of 60.

(Sd.) G. M. YOUNG.

16th February 1932.

* I agree: his work and particularly his noting are of an unusually high standard.
(Sd.) G. M. YOUNG.

Maulvi Sayyid Murtuza Saheb Bahadur: May I know the special circumstances under which a man over 60 was entertained.

Mr. G. M. Young: I have just laid a copy of the order on the table.

Maulvi Sayyid Murtuza Saheb Bahadur: Will the Honourable Member, kindly enlighten the House on the order?

Mr. G. M. Young: I have laid a copy of the order on the table of the House. That is the best way, I think, of enlightening the House.

Maulvi Sayyid Murtuza Saheb Bahadur: What were the special reasons?

Mr. G. M. Young: They are given in the orders I am placing on the table.

COMMUNAL COMPOSITION OF THE ESTABLISHMENT AND CASH SECTIONS OF THE ARMY DEPARTMENT.

893. ***Maulvi Sayyid Murtuza Saheb Bahadur:** (a) Will Government be pleased to state whether the work relating to recruitment, discharge, promotion, etc., of clerks in the Army Department and offices subordinate to it is done in the Establishment or Cash Section?

(b) Will Government state the communal composition of the establishment of the sections mentioned above?

(c) Is it a fact that within the memory of the present generation the charge of any of the sections mentioned above was never held by a Muslim?

(d) Is it a fact that Muslims have been excluded from the Establishment or Cash sections of the Army Department, the Adjutant General's Branch, the Royal Air Force Headquarters, the Military Secretary's Branch, the office of the Judge Advocate General, the office of the Assistant Director of Ordnance Services (Provision), and the Contract Directorate?

(e) Is it a fact that there is only one Muslim clerk in the Cash sections of each of the General Staff Branch, the Quartermaster General's Branch and the Engineer-in-Chief's Branch?

(f) Is it a fact that amongst the 12 recipients of the Cashier's allowance under the Army Department there is only one Muslim?

(g) Have Government authorised the Army Department to follow a policy whereby Muslims should be excluded from establishment or Cash sections? If so, why?

(h) Are Government prepared to consider the desirability of instructing the Army Department so to arrange things by inter-sectional transfers that at least one-third of the appointments of the establishment and Cash sections under him are given to Muslims?

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

(b) A statement is laid on the table.

(c) The reply is in the negative. One Muslim held such a post recently.

(d) No, Sir.

(e) The reply is in the affirmative so far as the Engineer-in-Chief's Branch is concerned. There is no separate cash section in either of the other Branches.

(f) Yes.

(g) Certainly not.

(h) No, Sir.

Statement showing the communal composition of the sections in the Army Department, Army and Royal Air Force Headquarters, dealing with establishments.

Office.	Hindus.	Muslims	Sikhs.	Christians.	Anglo-Indians.	Others.	Total.
Army Department	8	1	..	..	..	..	9
General Staff Branch	8	2	..	1	..	..	11
Adjutant General's Branch	5	..	1	1	..	..	7
(including 1 Short-hand-writer).							
*Quartermaster General's Branch	10	10	1	1	..	†3	25
Master General of Ordnance Branch	6	..	..	..	1	..	7
Military Secretary's Branch	2	..	..	..	..	..	2
Engineer-in-Chief's Branch	1	1	..	..	1	..	3
Medical Directorate	3	..	..	..	..	..	3
Judge Advocate General's Branch	1	..	..	..	..	..	1
Assistant Military Secretary (Personal)	..	1	..	..	..	..	1
Director of Contracts	3	..	..	..	..	..	3
Assistant Director of Ordnance Services (Provision)	2	..	..	..	..	..	2
† Royal Air Force Headquarters	10	3	3	1	..	..	17

* The work is done in one of the six sub-sections.

† 2 Europeans, 1 Jain.

‡ The section is known as the Central section.

DEFINITION OF "INEFFICIENCY" FOR PURPOSES OF RETRENCHMENT.

894. *** Maulvi Sayyid Murtuza Saheb Bahadur:** (a) Have Government prescribed that one of the grounds on which permanent Government servants may be retrenched is inefficiency?

(b) Will Government state whether there have recently been any instances in which permanent Government servants have been retrenched for inefficiency? If so, will Government state the criteria by which the inefficiency of the retrenched men was determined?

(c) Do Government propose to consider the desirability of prescribing definitely what should constitute "inefficiency" for purposes of retrenching a permanent Government servant?

The Honourable Sir George Schuster: (a) Yes, it has been laid down that the first category of selection for discharge shall include those officers whose work is considered to be so consistently unsatisfactory that to retain them in service while others are discharged would be unjustifiable. It must, of course, be understood that Government servants are being retrenched on other grounds and no assumption of inefficiency attaches to retrenchment.

(b) The answer to the first part is that this criterion for selecting individuals for discharge has been applied. As regards the second part, no criterion beyond that already stated has been or can be laid down. The

decision as to what constitutes inefficiency must necessarily depend upon the past record of the officer concerned and the judgment and experience of those officers who are competent to select men for discharge in their departments.

(c) As I have already indicated, the course suggested by the Honourable Member is impracticable.

REDUCTION OF SIMLA HOUSE RENT ALLOWANCE.

895. *Mr. N. R. Gunjal: (a) Is it a fact that Government contemplate to reduce the Simla house rent allowance by ten per cent.?

(b) Are Government aware that most of the Government of India subordinates have leased their houses for a further period of one year at the same old rentals?

(c) Are Government aware that most of the landlords, when approached, have refused to curtail the rents charged?

(d) Is it a fact that Government do not contemplate to reimpose the House Accommodation Act and that the pay of their subordinates has been reduced by ten per cent.?

(e) If the replies to parts (a) to (d) above be in the affirmative, are Government prepared to leave the Simla house rent allowance untouched? If not, why not?

The Honourable Sir James Crerar: (a) No such action is at present under contemplation.

(b) and (c). Government have no information.

(d) Yes.

(e) Does not arise.

NOTICE UNDER THE EMERGENCY POWERS ORDINANCE SERVED ON MUFTI-KIFAYATULLAH.

896. *Mr. Gaya Prasad Singh: (a) Is it a fact that a notice under section 4 of the Emergency Powers Ordinance II of 1932, was served on Mufti Kifayatullah, in Delhi the other day? If so, why? Can a copy of it be laid on the table?

(b) Is Mufti Kifayatullah President of the All-India *Jamiat-ul-Ulema*? If he is guilty of any offence, why do not Government bring him to trial under ordinary law?

(c) Is it a fact that Government considered his visit to the North-West Frontier Province undesirable? Is it a fact that an invitation to visit the Frontier Province was extended only to those gentlemen, who were considered "safe" from the Government point of view?

The Honourable Sir James Crerar: (a) Yes. The reasons are stated in the order of which a copy is placed on the table.

(b) Yes. Mufti Kifayatullah, having acted in contravention of the order, was arrested on the 11th March, 1932, and has been prosecuted and convicted under section 21 of the Emergency Powers Ordinance.

(c) Yes. The reply to the latter part of the question is "no".

The following order by the Deputy Commissioner, Delhi, was served on Kifayat Ullah of Delhi on Wednesday the 9th of March, 1932:

"Whereas the Chief Commissioner of Delhi has invested me with powers to issue orders under section 4 (1) of the Emergency Powers Ordinance II of 1932 and whereas, I am satisfied that there are reasonable grounds for me to take action against you, Kifayat Ullah, both because you have continually delivered bitter speeches against Government to influence members of your community and because it is learnt that you and your co-workers contemplate issuing a proclamation or statement attacking Government now therefore I direct that you shall abstain henceforward from acting in a manner prejudicial to public safety or peace or in furtherance of any movement prejudicial to public safety or peace and from any form of anti-Government action or propaganda whatever. Any contravention of these orders is punishable under section 21 of the Ordinance with imprisonment which may extend to two years or with fine or with both."

Mr. Gaya Prasad Singh: May I know why the intended visit of this gentleman was considered undesirable?

The Honourable Sir James Crerar: The visit was considered undesirable because it was believed that it would be prejudicial to law and order.

Mr. Gaya Prasad Singh: Is it a fact that the visit was considered undesirable because he is not in the good books of Government, as some others who were invited?

The Honourable Sir James Crerar: No.

Sardar Sant Singh: May I ask why Government put a ban on the visit of those gentlemen who give the other side of the picture?

The Honourable Sir James Crerar: I think the Honourable Member's question is rather in the nature of an argument than one calling for information.

VISIT OF MAULANA SHAUKAT ALI TO THE NORTH-WEST FRONTIER PROVINCE.

897. *Mr. Gaya Prasad Singh: (a) Did Maulana Shaukat Ali apply for permission to visit the North-West Frontier Province recently? Was he allowed to visit the Frontier Province under any conditions? If so, what?

(b) Will Government kindly lay on the table the correspondence, if any, that might have passed between the authorities and Maulana Shaukat Ali, relating to his visit to the Frontier Province?

(c) Are Government aware that black flags were shown to Maulana Shaukat Ali, at some of the places, such as Charsadda and others, which were visited by him during his recent tour in the North-West Frontier Province? How many persons were arrested for carrying black flags; and under what law have they been dealt with? Is it an offence to carry black flags to greet an unwelcome visitor?

Sir Evelyn Howell: (a) No, Sir.

(b) There was no such correspondence.

(c) Government are not aware of black flags having been shown in any of the places visited by Maulana Shaukat Ali or of any arrests made on this account. The remainder of the question therefore does not arise.

Maulvi Muhammad Shafee Daoodi: Are the Government aware that the movements of Maulana Shaukat Ali have been brought to the notice of this House because he is opposed to the movement of non-co-operation at this stage and has the courage to proclaim it from the housetops and to act in accordance with his convictions?

Sir Evelyn Howell: Government have no information, Sir (Laughter).

Mr. Abdul Matin Chaudhury: Is the Government aware that a magnificent reception was accorded to Maulana Shaukat Ali when he arrived at the Peshawar station by all sections of the Muhammadan community?

Sir Evelyn Howell: I have seen a statement to that effect in the Press, Sir.

Mr. Gaya Prasad Singh: Will the Foreign and Political Department kindly ascertain the actual facts so that a proper certificate of good conduct may be accorded to Maulana Shaukat Ali?

Dr. Ziauddin Ahmad: Is it the business of the Foreign and Political Department to inquire whether a reception was or was not given to a particular individual at any railway station in British India?

Sardar Sant Singh: Is it a fact that Maulana Shaukat Ali was not allowed to address a Muslim meeting at Lahore?

Mr. Gaya Prasad Singh: May I ask why Maulana Shaukat Ali was allowed to go to the Frontier although he did not apply for permission whereas some other gentlemen who did apply for permission were refused such permission?

Sir Evelyn Howell: I have nothing to add to the information which has already been given to the House.

Sir Cowasji Jehangir: Will Government be pleased to state whether they will give permission to my Honourable friend, Mr. Gaya Prasad Singh, to visit the North-West Frontier Province?

Sir Evelyn Howell: Permission is not required, Sir.

SAVING ON ACCOUNT OF THE ABOLITION OF THE POST OF ASSISTANT DIRECTOR OF INTELLIGENCE, INDIAN STORES DEPARTMENT.

898. ***Sardar Sant Singh:** Will Government please refer to page 4 of the Administration Report of the Indian Stores Department for the year 1930-31, where a saving of Rs. 2,000 has been shown on account of the abolition of the post of Assistant Director of Intelligence, and state how this saving has been arrived at?

The Honourable Sir Joseph Bhoré: The saving referred to by the Honourable Member is the result of the re-organisation in the Indian Stores

Department explained in paragraph 10 of the Administration Report of that Department for 1930-31, which includes *inter alia* the abolition of the post of Assistant Director of Intelligence. A statement indicating how this saving has been arrived at is laid on the table.

Statement showing the financial effect of the re-organisation in the Indian Stores Department referred to in paragraph 10 of the Administration Report of that Department for 1930-31.

	Average cost per month.		
	Rs.	A.	P.
<i>Abolition of the cost of:</i>			
(a) Assistant Chief Controller of Stores, Indian Stores Department on Rs. 1,000—50—1,250	1,168	4	0
(b) Assistant Director of Intelligence, Indian Stores Department on Rs. 1,000—50—1,200	1,169	0	0
(c) Chief Superintendent, Indian Stores Department on Rs. 600—40—800	750	6	5
	3,087	10	5
<i>Creation of the posts of:</i>			
(a) Deputy Director of Administration and Intelligence Indian Stores Department on Rs. 1,500—75—1,800	1,741	8	0
(b) Assistant Director of Administration and Intelligence, Indian Stores Department on Rs. 1,000—50—1,200	1,169	0	0
	2,910	8	0
Difference (Saving)	177	2	5
or	per mensem	2,125	13 0
	per annum.		

DOMICILE OF MR. J. S. PITKEATHLY, CHIEF CONTROLLER OF STORES, INDIAN STORES DEPARTMENT.

899. ***Sardar Sant Singh:** (a) Are Government aware that the domicile of Mr. J. S. Pitkeathly, Chief Controller of Stores, Indian Stores Department, was accepted as European on his own statement, while in the case of other gazetted officers they had to prove this by documentary evidence?

(b) Are Government aware that Mr. Pitkeathly is domiciled in India? If so, what do they propose to do in this matter?

The Honourable Sir Joseph Bhoré: (a) No.

(b) Mr. Pitkeathly is not domiciled in India.

TRAVELLING AND HOUSE RENT ALLOWANCES.

900. ***Mr. S. C. Mitra:** (a) Is it a fact that the Delhi moving allowance granted to Army Headquarters establishment is subject to 10 per cent. cut?

(b) Will Government please state whether the Simla house rent allowance stands on the same footing as the Delhi moving allowance?

The Honourable Sir James Crerar: (a) Yes.

(b) No.

THE INDIAN NATIONAL CONGRESS.

901. ***Mr. S. C. Mitra:** (a) Will Government please state whether they have declared the Indian National Congress as an unlawful organisation?

(b) Are Government aware that the creed of the Indian National Congress, *viz.*, "the attainment of *Swaraj* by all peaceful and legitimate means" is alone mandatory?

(c) Are Government aware that the programme of the Indian National Congress has been changed from time to time at its annual session?

(d) Are not Government aware that the resolutions accepted in the Indian National Congress are recommendatory and not mandatory like its creed?

(e) Will Government please state if they intend to prevent the regular session of the Indian National Congress being held this year, as announced, at Puri? If so, why?

The Honourable Sir James Crerar: (a) The Indian National Congress has not been declared an unlawful association.

(b) If the Honourable Member has rightly stated the position, he will, I think, agree with me that the civil disobedience movement is inconsistent with the mandate.

(c) and (d). I note the Honourable Member's suggestions on these points.

(e) Until the question arises in a practical form, Government do not propose to come to any decision in regard to it.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to state if the Government have laid down any rules categorically showing which acts of the Indian National Congress would be considered illegal?

The Honourable Sir James Crerar: No, Sir.

Mr. K. C. Neogy: Is it a fact that the present Dictator of the Indian National Congress is at the present moment acting in the closest co-operation with Government and is a guest at the present moment of one of the Members of the Governor General's Executive Council at New Delhi?

Will Government be pleased to state as to whether it is not a fact that the Presidents of the Indian National Congress, almost all of them, have one after another been arrested and detained in custody, and if so, what is the reason for treating the present President differently?

The Honourable Sir James Crerar: I think, Sir, this question is more in the nature of an argument than one calling for information.

Mr. Gaya Prasad Singh: May I ask if it is contemplated to arrest the said President as soon as she leaves the precincts of the Honourable the Executive Councillor's residence?

The Honourable Sir James Crerar: I have not considered it.

Sardar Sant Singh: Has the present President been served with any notice yet under the Emergency Powers Ordinance?

Mr. C. S. Ranga Iyer: Will Government be pleased to consider the advisability of appointing Mrs. Sarojini Naidu—the acting President of the Congress—as a peace emissary to meet Mahatma Gandhi with a view to bringing about a happy settlement of the national situation?

The Honourable Sir James Crerar: The Honourable Member's suggestion is an interesting one.

Mr. Lalchand Navalrai: Will the Honourable Member be prepared to state whether when the Congress holds a meeting and there are bystanders who are only standing to see what is going on, the latter are also liable for arrest?

The Honourable Sir James Crerar: It depends a great deal, Sir, on the conduct of the bystanders.

Mr. Amar Nath Dutt: Is it a fact that the Chairman of the Reception Committee of the next Congress has been sent to Hazaribagh jail so that the Congress may not be held this year?

The Honourable Sir James Crerar: I did not quite catch the Honourable Member's question.

Mr. Amar Nath Dutt: Is it a fact that the Chairman of the Reception Committee of the Puri Congress is in Hazaribagh jail—namely, Pandit Nilakantha Das, a former Member of the Assembly—and are the Government going to release him in order to permit of the session of the Congress being held at Puri?

The Honourable Sir James Crerar: I must ask for notice of the question.

Mr. Abdul Matin Chaudhury: Is it not a fact that orders under the Emergency Powers Ordinance were never issued on any President immediately on the assumption of the duties of the Presidentship, but that there has been some interval between the issue of the order under the Emergency Powers Ordinance and the assumption of the duties of the office?

The Honourable Sir James Crerar: I am very sorry I could not follow the Honourable Member's question.

Mr. Abdul Matin Chaudhury: Is it not a fact that there has always been an interval between the assumption of the duties of the Congress President and the passing of an order under the Emergency Ordinance in the case of previous Presidents?

The Honourable Sir James Crerar: I must ask the Honourable Member to give me notice.

Mr. H. P. Mody: If the Indian National Congress is not an unlawful association, will Government be pleased to state whether there is any special reason for showing such marked hospitality to all the Presidents of the Congress? (*An Honourable Member:* "Hospitality" or "hostility"?)

PROMOTION OF INDIAN PRINTERS TRAINED IN ENGLAND.

902. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state how many apprentices sent to England for training as printers for employment in the Government of India Presses have returned after completing their course and how many are still under training in India and in England?

(b) Is it a fact that the posts of Assistant Managers in the Government of India Presses at Simla and Aligarh have been lying vacant for the last four or five years and none of the England-returned men have yet been provided for in those posts?

(c) Is it a fact that a Time-Checker and Section-Holder of the Simla Press have been officiating as Assistant Managers for the last several years in supersession of the England-returned men?

(d) Are Government aware that great discontent prevails among the qualified England-returned men owing to their not being given officiating chances as Assistant Managers in the Government of India Presses, Simla and Aligarh?

(e) Is it a fact that the Controller of Printing and Stationery has recently recommended very strongly for the confirmation of the present temporary Assistant Managers of the Government of India Presses, Simla and Aligarh, in preference to the highly educated and technically qualified staff specially trained for the purpose in England for filling the said posts?

(f) Is it a fact that the Government of India issued orders to the effect that both the officiating Assistant Managers should not be confirmed in their appointments? If so, will Government be pleased to lay the papers on the table?

(g) Is it a fact that the present Assistant Manager of the Aligarh Press was punished and transferred from the Simla Press? If so, for what reasons was the punishment awarded?

(h) If the reply to the preceding questions be in the affirmative, will Government be pleased to state whether they propose to revert the present officiating incumbents to their substantive appointments and fill the posts immediately by the England-returned staff? If so, what steps do they propose to take?

The Honourable Sir Joseph Bhore: (a) Three apprentices sent to England for training have returned and three are still under training in England. I should, however, point out that no guarantee is given to apprentices under training in England that they will be appointed to Government of India Presses. Four apprentices are now under training in the Calcutta Press.

(b) and (c). Press employees whose permanent appointments are time-checker and section-holder have for some years been officiating as Assistant Managers in the Simla and Aligarh Presses. No apprentice returned

from England has been appointed to these posts, but no question of supersession arises as they have no prescriptive claim to such appointments and have been provided for elsewhere.

(d) Government have no information.

(e) and (f). Government are not prepared to disclose the nature of the recommendations made by the Controller or their orders thereupon.

(g) The present Assistant Manager of the Aligarh Press was transferred from the Simla Press on account of his connection, through his family, with a private press in Simla.

(h) Does not arise.

QUALIFICATIONS OF THE OFFICIATING ASSISTANT MANAGERS OF THE SIMLA AND ALIGARH GOVERNMENT OF INDIA PRESSES.

903. ***Mr. S. C. Mitra:** What are the educational qualifications of the present officiating Assistant Managers of the Simla and Aligarh Presses and those of the England-trained staff?

The Honourable Sir Joseph Bhore: Of the three men who have been trained in England and who are now employed in the Government of India Presses two are graduates and one has passed the Intermediate examination in Arts. Government have no information regarding educational qualification of the officiating Assistant Managers of the Simla and Aligarh Presses.

RENT-FREE QUARTERS OF THE OFFICIATING ASSISTANT MANAGER, GOVERNMENT OF INDIA PRESS, ALIGARH.

904. ***Mr. S. C. Mitra:** Is it a fact that the officiating Assistant Manager of the Aligarh Press is allowed a rent-free bungalow whereas the England-returned trained staff is deprived of this concession and not given any house-rent in lieu? If so, why?

The Honourable Sir Joseph Bhore: Assistant Managers in the Government of India Presses are not entitled to rent-free quarters. The Assistant Manager in the Aligarh Press has hitherto been allowed rent-free accommodation as he was required to live in the premises of the press in connection with his duties in the Postal Workshop. There is no question of discriminating in the matter of the grant of rent-free quarters between any officers who may be appointed as Assistant Managers. In view of the recent abolition of the Postal Workshop the question of withdrawing the concession of rent-free quarters from the Assistant Manager at Aligarh is under consideration.

QUARTERS OF CERTAIN PRISONERS IN THE DELHI JAIL.

905. ***Mr. S. C. Mitra:** (a) Will Government please state the number of prisoners who are being detained in the Delhi Jail under the Emergency Powers Ordinance?

(b) Is it a fact that these prisoners, among whom are included Mr. Asaf Ali, Bar-at-Law, L. Desh Bandhu, Director of the *Tej*, and Mr. Raghunandan Saran, M.A. (Cantab.), are being kept in an ordinary mud-plastered barrack with a small courtyard and that the barrack is not even provided with cross ventilation and other facilities?

(c) Is it a fact that the above-mentioned prisoners have been segregated from all other political prisoners? If so, why?

The Honourable Sir James Crerar: (a) At the end of February the number was 8.

(b) No. The prisoners in question have ample and comfortable accommodation, with two courtyards. There is no want of ventilation.

(c) Yes, for purposes of discipline.

ALLOWANCES AND TREATMENT OF PRISONERS IN DELHI.

906. ***Mr. S. C. Mitra:** (a) What allowance, if any, is being provided for the prisoners in Delhi under the Emergency Powers Ordinance and their families?

(b) What facilities are being provided to them for exercise, recreation and study?

The Honourable Sir James Crerar: (a) No such allowance is given.

(b) Two fairly spacious courtyards are at their disposal affording ample room for exercise. In addition, they have been permitted to walk on the jail lawn in front of their barrack for half to three quarters of an hour every evening after lock up time. They have been allowed to have all the books and reading material they desire subject to censorship by the jail authorities.

FACILITIES FOR PRISONERS DETAINED UNDER THE EMERGENCY POWERS ORDINANCE.

907. ***Mr. S. C. Mitra:** (a) Will Government please state whether detention under the Emergency Powers Ordinance is mere detention or punishment?

(b) If the former, will Government please state whether all the facilities available to those ordinarily detained are given to the above prisoners? If not, why not?

(c) Do Government propose to issue instructions that all such facilities should be immediately provided to them?

The Honourable Sir James Crerar: (a) Detention under section 3 of the Emergency Powers Ordinance is not a judicial punishment.

(b) and (c). The treatment of such persons is a matter within the competence of Local Governments, which I have no doubt, is properly exercised.

RECALL OF A PROVISION PASS PREVIOUSLY IN POSSESSION OF THE SUB-DIVISIONAL OFFICER, NORTH WESTERN RAILWAY.

908. ***Mr. S. C. Mitra:** (a) Will Government please state if it is a fact that the Sub-Divisional Officer, North Western Railway, Sargodha, has been in possession of a provision pass for importing provisions from Lahore?

(b) Is it a fact that this provision pass was taken away from Mr. Vasudevan, Sub-Divisional Officer, Sargodha, on the ground that as he was an Indian officer, his standard of living was lower than that of a European and he did not therefore require the use of a provision pass?

(c) Is it a fact that when Mr. Vasudevan represented his case he was warned by the Divisional Superintendent, Rawalpindi, for insubordination?

Mr. P. R. Rau: I am obtaining the information required from the Agent, North Western Railway, and will lay a reply on the table of the House in due course.

SUB-LETTING OF A RAILWAY BUNGALOW IN RAWALPINDI.

909. ***Mr. S. C. Mitra:** (a) Will Government please state if it is a fact that Mr. V. O. Raynor took over charge of the office of Divisional Transportation, Rawalpindi, on or about the 3rd of November, 1931?

(b) Is it a fact that the Divisional Superintendent, Rawalpindi, recommended to the Agent, North Western Railway, that Mr. Raynor might be allowed to rent out the bungalow allotted to his post to an outsider and himself live elsewhere as he could not afford to pay the rent due to the Railway?

(c) Is it a fact that the Agent refused to comply with the Divisional Superintendent's request in his letter No. 10/5/A. C./O., dated 13th November, 1931, stating that this arrangement could not in any circumstances be countenanced?

(d) Is it a fact that in spite of such clear orders the Divisional Superintendent has allowed Mr. Raynor to let out his bungalow to two Military Officers, Lt. Neville and another?

(e) If the answer to the above be in the affirmative, will Government please state what action they are going to take against the Divisional Superintendent?

Mr. P. R. Rau: Information is being called for and will be placed on the table.

RECRUITMENT OF MUSLIMS TO GOVERNMENT DEPARTMENTS.

910. ***Mr. Muhammad Anwar-ul-Azim:** (a) Has the attention of the Government of India been directed to certain articles which have appeared in the *Eastern Times*, a Muslim journal of Lahore, and which make certain allegations against the Public Service Commission in respect of examinations conducted by that body for recruitment to the ministerial establishment of the Government of India?

(b) Is it a fact that under the orders of the Government of India, a certain number of vacancies was reserved for Muslims in the 1931 examination for such recruitment?

(c) Is it a fact that the Commission were unable to obtain the requisite number of qualified Muslim candidates to fill these vacancies?

(d) Is it a fact that the Commission did not communicate to the Army Department (who were principally concerned) the orders of the Government of India issued in July, 1931 regarding the method of filling posts for which qualified Muslims were not available?

(e) Is it true that the Commission fixed a higher qualifying mark for the 1931 examination than for the preceding examination in 1926?

(f) Is it true that in 1926 the Commission reduced the qualifying marks for the benefit of the Muslim candidates but did not make a similar reduction in 1931?

The Honourable Sir James Crerar: (a) Yes.

(b) Yes.

(c) Yes. Orders were issued that unqualified Muslims should be allowed to continue to hold temporarily permanent vacancies reserved for members of that community until qualified Muslim candidates are available.

(d) It is not the business of the Commission to communicate or circulate the orders of departments of the Government of India. In this case the Home Department circulated the orders in the ordinary course.

(e) The qualifying mark in 1926 was 43 2/3 per cent. (160 out of 375) as against 40 per cent. (200 out of 500) in 1931. Consequently the qualifying mark in 1931 was proportionately lower.

(f) No. I would invite the attention of the Honourable Member to the reply I gave on the 16th instant to part (d) of question No. 826, asked by Maulvi Sayyid Murtuza Saheb Bahadur.

PROMOTION OF GUARDS ON THE NORTH WESTERN RAILWAY.

911. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state:

(i) the number of posts of Guards grades IV, III, and II on North Western Railway in the year 1926-27, and

(ii) the number of posts in the various grades at present?

(b) Is it proposed to reduce further the strength of higher classes, namely grades III and IV? If so, to what extent?

(c) What are the reasons for decrease in the strength, if any, in grades III and IV?

(d) How does the decrease compare with other classes of service on the North Western Railway?

(e) Is it a fact that grades III and IV guards posts are largely manned by Anglo-Indians and Europeans?

(f) Are Government aware that a large majority of guards grade II have been waiting at the maximum pay of the grade for several years, and that some of them have even been blocked for seven to eight years?

(g) What steps do Government propose to take to ensure proper chances for promotion of grade II guards to grade III and onwards?

Mr. P. R. Rau: I have called for information from the Agent, North Western Railway, and will lay a reply on the table on its receipt.

ALLOWANCES AND DUTIES OF GUARDS ON THE NORTH WESTERN RAILWAY.

912. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if it is a fact that the rates of allowance per 100 miles paid to guards differ according to the pay of the employee?

(b) Is it a fact that the grades III and IV guards on the North Western Railway are able to earn more mileage than the guards in grade II?

(c) Do Government propose to suggest to the North Western Railway Administration so to arrange the duties of guards in various grades that they run nearly equal mileage in a month?

Mr. P. R. Rau: (a) Yes.

(b) and (c). Government have no information but will bring the Honourable Member's question to the notice of the Agent.

BELATED CLAIMS OF EX-MILITARY MEN TO PAY, PENSION, ETC.

913. ***Mr. Lalchand Navalrai:** (a) With reference to the answer given to parts (a), (b) and (f) of the unstarred question No. 91 on the 23rd February, 1932, will Government please state whether it is a fact that under the provisions of paragraph 44 of Financial Regulations for the Army in India, Part I, belated claims of ex-military officers, etc., in respect of arrears of their pay, pension, allowances, etc., are being entertained by the authorities concerned, if the cause of delay in submission of claim is satisfactory?

(b) Is it not a fact that under the provisions of para. 809 of Regulations for the Army in India (1930 Edition), service records of discharged soldiers are kept for a period of 25 years, from the date of their discharge? If so, why are the records pertaining to their accounts in respect of outstanding credit balances, etc., not kept for that period?

(c) Is it a fact that the names of officers who hold the records of disbanded units have been widely published in all vernacular papers of the different languages of India, and also by pasting posters at open public places, especially in towns and villages?

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

(b) Yes. The accounts records are much bulkier than service records and it is not possible to retain them for the same period as the latter. Under the existing regulations, pay accounts records of soldiers are required to be retained for five years, but pay accounts for the months of June and December in each year are retained for 30 years for purposes of reference and verification.

(c) No such publication was undertaken by Army Headquarters. If there was any it must have been done by local authorities.

CREDIT BALANCES DUE TO MEMBERS OF TRANSPORT UNITS, LABOUR CORPS ETC.

914. ***Mr. Lalchand Navalrai:** (a) Will Government please refer to the answer to unstarred question No. 92 (a) of 23rd February 1932, and say if it is not a fact that while preparing the lists of outstanding credit balances due to persons of Animal Transport Units, Labour Corps and Mechanical Transport Units, the following dues are not included therein by the authorities concerned: (i) service gratuity, (ii) war gratuity and (iii) kran exchange compensation for the period of their service in Persia, if any?

(b) Do Government contemplate, in the case of persons so affected, to make the omission good by adding these dues in the lists of outstanding credit balances now?

Mr. G. M. Young: (a) No, Sir.

(b) Does not arise.

UNSTARRED QUESTIONS AND ANSWERS.

TRANSFER OF POSTAL OFFICIALS IN THE PUNJAB AND NORTH-WEST FRONTIER PROVINCE POSTAL CIRCLE.

202. **Mr. S. C. Mitra:** (a) Is it a fact that in the Punjab and the North-West Frontier Province Postal Circle transfers of post office officials of the selection grade have been suspended of late except in cases in which transfers are necessary in the interest of service?

(b) Are there any orders that transfers of officials of the selection grade to certain stations be made in communal proportion?

(c) If the reply to part (a) be in the affirmative, and to part (b) in the negative, will Government please state why the Muslim officials are still being transferred, namely, the transfers to Lahore (Head Office) of Messrs: Jan Mohammed, Mahbub Ali, Mohammed Azim, Mohammed Wazir and Khan Sahib Bashir Hussain? Is there any justification for these transfers?

Mr. T. Ryan: (a) It is a fact that owing to the present financial stringency, transfers from certain posts which normally are due to take place periodically have been restricted.

(b) No.

(c) The transfers in question were made by the Postmaster General in the interests of the service in two cases, and, at the request of those concerned without expense to the State, in the other cases.

REVERSION TO SUBSTANTIVE APPOINTMENTS OF CERTAIN POSTAL OFFICIALS IN THE PUNJAB AND NORTH-WEST FRONTIER PROVINCE POSTAL CIRCLE.

203. **Mr. S. C. Mitra:** (a) Is it a fact that in the Punjab and North-West Frontier Province all Postal Circle officials of the time-scale of pay, who are officiating in the selection grades, were reverted to their substantive appointments a few months back in order to make room for permanent officials of the selection grade, whose posts were brought under reduction and also for Inspectors of Post Offices whose posts were held in abeyance?

(b) Is it a fact that some of the Inspectors, whose posts were held in abeyance, were posted in the selection grade posts in the general line in the Circle in leave vacancies?

(c) Is it a fact that there still remain many such Inspectors whose posts have been held in abeyance but who have not been provided for for want of vacancies?

(d) If the reply to part (c) be in the affirmative, will Government please state why a clerk of Wazirabad Post Office, officiating as Town Inspector at Lahore, has not been reverted to his post?

Mr. T. Ryan: Enquiries are being made and a reply will be placed on the table.

TRAINING OF APPRENTICES IN THE RIFLE FACTORY AT ISHAPORE.

204. **Mr. S. C. Mitra:** (a) Has the attention of Government been drawn to the article with the heading "Apprenticeship in Engineering (English method)" published in the *Times of India*, of 8th December,

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1927, on page 17, as also to that of the "Royal Ordnance Factories Scheme for training of Engineers", dated the 26th January, 1923? If not, will Government please refer to them?

(b) Are Government prepared to reconsider their decision for curtailing the theoretical training of apprentices in the Rifle Factory at Ishapore? If not, why not?

Mr. G. M. Young: A reply will be given when copies of the articles mentioned by the Honourable Member have been obtained.

MINIMUM MARKS REQUIRED FOR PASSING INTO A HIGHER STANDARD IN SCHOOLS IN AJMER-MERWARA, RAJPUTANA, ETC.

205. **Khan Bahadur Haji Wajihuddin:** (a) Will Government please state whether it is a fact:

(i) that up to January, 1932, it was a general rule in Government-aided High Schools and other schools excepting the Government High School, Ajmer, in Ajmer-Merwara, to promote a boy to a higher class if he could secure only 33 per cent. of the marks allotted in each subject for his examination,

(ii) that the passing marks in the Government High School were 36 per cent. for each subject,

(iii) that the Board of Secondary Education for Ajmer-Merwara, Rajputana, Central India and Gwalior, has issued a circular with the consent of the Ajmer-Merwara, Education Department, requiring the Head Masters of all its affiliated High Schools to increase the minimum passing marks from 33 per cent. to 40 per cent. for the boys of classes V to IX and 50 per cent. for those of classes III and IV, and

(iv) that the Head Masters of the said schools have asked the guardians of the students reading in their schools to sign the conditions of the said circular in the month of February, 1932?

(b) Are Government aware that the annual examination of the boys reading in the schools referred to in part (a) above will be held in the coming month of April, 1932?

(c) If what are stated in parts (a) and (b) above are facts, will Government please state what were the reasons which necessitated the said Board to issue such circulars before the commencement of the yearly examinations?

(d) Will Government please state whether it is a fact that the conditions of the circular referred to in part (a) above are to be applicable to the results of this year? In case it is applicable to the examination results of this year, do Government propose to take any action regarding the said circular? If so, what?

Sir Frank Noyce: (a) (i) and (ii). Yes.

(iii) and (iv) of part (a) and parts (b), (c) and (d) can most conveniently be answered together. The Board of High School and Intermediate Education, Rajputana, Central India and Gwalior had nothing to do with

raising the minimum of pass marks for schools in Ajmer-Merwara. The facts of the case are as follows:

The Board has nothing to do with examinations of classes lower than the 10th (High School). Annual promotion examinations of other classes are held by Head Masters of individual institutions who have their own standards for promotions. The Head Masters of High Schools in Ajmer-Merwara recently formed an Association with a view to secure uniformity of standards in the work of all schools, and, at a meeting of the Association held sometime in February last, resolved among other things, that with a view to securing a uniform standard of class promotions, marks normally required for a pass in all subjects should be 50 per cent. in classes III to V, and 40 per cent. in classes VI to IX. They also laid down rules for promotions by grace. The resolution of the Association has been accepted by the Superintendent of Education, and is now being circulated to the heads of all recognised schools for guidance. It will evidently be brought into force with effect from the promotion examinations of 1933.

It is quite likely that Head Masters of individual schools who are all members of the Association may, on the strength of the Resolution referred to above, have issued circulars to the guardians of students intimating the rise in the minimum of pass marks, but not with the Superintendent of Education's permission. There is, however, nothing to prevent the Head Masters from raising the minimum pass marks without consulting the Department.

MINIMUM PASS MARKS IN SCHOOLS IN RAJPUTANA AND DELHI.

206. **Khan Bahadur Haji Wajihuddin:** (a) Are Government aware that Rajputana is the most backward Province as regards educational matters?

(b) Is it a fact that both the Chairman and Secretary of the Board of Secondary Education for Ajmer-Merwara, Rajputana, Central India and Gwalior are outsiders?

(c) Is it a fact that in Delhi the passing marks in each subject for the boys are 33 per cent. in their annual examinations for all classes? If it is not so, will Government please state the minimum passing percentage for Delhi Province in each subject, which is essential for promotion?

Sir Frank Noyce: (a) If the Honourable Member refers to Ajmer-Merwara, the reply is that it is not educationally the most backward province in India.

(b) Both the Chairman and Secretary of the Board are outsiders, but they have great experience of educational work, and in the case of the Chairman, local knowledge and experience of Rajputana.

(c) No. In the Delhi Province there is no uniform percentage of pass marks for each class or each subject. Usually in the higher classes of schools, 33 per cent. is the accepted pass percentage, but the pass percentage may vary in different schools and depends on the standard of work prevailing therein.

EXPENDITURE OF THE AJMER MUNICIPAL BOARD.

207. **Khan Bahadur Haji Wajihuddin:** Will Government please state whether it is a fact:

- (i) that the Ajmer Municipal Board purchased grass at a higher rate than the market price and accepted an inferior quality of it in 1930;
- (ii) that the said Board spent no money on urinals and latrines in 1926-27 and 1927-28; and
- (iii) that in 1922-23 the infant mortality was 48.42 per cent., but it increased to 61.45 per cent. in 1927-28 in the said Board area?

Mr. G. S. Bajpai: The information asked for by the Honourable Member will be obtained and supplied to the House in due course.

EXEMPTION OF MOTOR CARS FROM OCTROI DUTY IN AJMER-MERWARA.

208. **Khan Bahadur Haji Wajihuddin:** Will Government please place on the table of the House (1) a list (relating to the Municipal Board, Ajmer), showing the exemption of persons with their names from the payment of octroi for one year for their newly bought motor cars in 1930, and (2) the copies of the Resolutions Nos. iv, viii, ix, x and xi, dated the 14th January, 1930 of the said Board?

Sir Evelyn Howell: With your permission, Sir, I propose to answer questions Nos. 208, 209, 214, 215, 216 and 217 together. The information is being collected and will be given to the House in due course.

MISCELLANEOUS EXPENDITURE OF THE AJMER MUNICIPAL BOARD.

†209. **Khan Bahadur Haji Wajihuddin:** (a) Will Government please state whether it is a fact that the miscellaneous expenditure in the Municipal Board, Ajmer, was Rs. 2,460 in 1922-23, Rs. 5,298 in 1923-24, Rs. 5,761 in 1924-25, Rs. 3,556 in 1925-26, Rs. 4,718 in 1926-27, and Rs. 36,660 in 1927-28?

(b) If what are stated at part (a) above are facts, will Government please state what were the reasons for the sudden increase in the said expenditure in 1927-28 to such a large extent?

EXCISE REVENUE COLLECTED BY THE LOCAL ADMINISTRATION IN AJMER-MERWARA.

210. **Khan Bahadur Haji Wajihuddin:** Will Government please state whether it is a fact:

- (i) that the Local Government, Ajmer-Merwara, collects seven lakhs of rupees annually as excise revenue from the said area,
- (ii) that there are many big shops for selling the excise stuffs in the heart of the city of Ajmer,
- (iii) that excise stuffs coming into Ajmer city are exempted from octroi tax, and

†For answer to this question, see answer to unstarred question No. 208.

- (iv) that the Local Government gives no grants to the Municipal Board, Ajmer, towards the health of the Ajmer citizens or for the drainage work of the said Board?

The Honourable Sir George Schuster (in reply to questions 210 and 211): The information is being collected and will be laid on the table in due course.

INCOME AND EXPENDITURE OF THE EXCISE DEPARTMENT, AJMER-MERWARA.

†211. **Khan Bahadur Haji Wajihuddin:** (a) Will Government please state what was the total income and expenditure of the Excise Department Ajmer-Merwara in 1927-28, 1928-29, 1929-30 and 1930-31?

(b) Will Government please state what is the cause of the continual increase in the excise revenue in Ajmer-Merwara and do they propose to take steps in the interests of temperance in that province? If so, what?

BIRTH AND DEATH RATES IN AJMER-MERWARA.

212. **Khan Bahadur Haji Wajihuddin:** (a) Will Government please state whether it is a fact (1) that the total death rate in Ajmer-Merwara was 33.95 in 1913-14 against 32.70 in 1912-13 while the birth rate was 19.15 and 19.16 for the said years respectively, and (2) that the number of deaths exceeded the number of births by 1238 in the said province for the said period?

(b) Will Government please state whether it is a fact that on the 4th July, 1907, Major P. J. Lumsden, I.M.S., Civil Surgeon, Ajmer, passed the remark that so large an excess of deaths over births is due to the bad sanitation of the city?

(c) If what are stated at parts (a) and (b) above are facts, have Government taken any steps, so far, to set the matter right? If not, what steps do they propose to take in the matter and when?

Sir Frank Noyce (in reply to questions 212, 213 and 218): The information asked for by the Honourable Member is being collected and will be furnished to the House in due course.

BAD DRAINAGE OF AJMER CITY.

†213. **Khan Bahadur Haji Wajihuddin:** (a) Will Government please place on the table of the House a copy of the report made by Dr. Mullen, M.D., Civil Surgeon, Ajmer, about the bad drainage of the Ajmer City in 1896-97?

(b) What steps have Government taken to bring into effect the plan suggested by the Civil Surgeon referred to above upto this time? If no steps have been taken, what steps do they propose to take to set things right in this respect?

ELECTION OF CHAIRMAN OF THE AJMER MUNICIPAL BOARD.

‡214. **Khan Bahadur Haji Wajihuddin:** (a) Will Government please state whether it is a rule for the Ajmer Municipal Board to elect its Chairman from among the voters enlisted for the election of its membership? If

†For answer to this question, see answer to unstarred question No. 210.

‡For answer to this question, see answer to unstarred question No. 212.

§For answer to this question, see answer to unstarred question No. 208.

so, will Government please state whether it is a fact that the name of the present Chairman of the Municipal Board, Ajmer, Colonel Howson, was not on the list of voters on the day when he was elected its Chairman?

(b) If what are stated in part (a) above are facts, will Government please state how the said action of the Municipal Board, Ajmer, in electing Colonel Howson as Chairman is justified?

REPRESENTATION OF DARGAH AND PUSHKAR AND OF CLOTH AND SUGAR MERCHANTS ON THE AJMER MUNICIPAL BOARD.

†215. **Khan Bahadur Haji Wajihuddin:** (a) Will Government please state whether it is a fact (1) that the Ajmer Municipal Board annually realises Rs. 25,000 from the Bombay, Baroda and Central India Railway, as visitors' tax from the Dargah and Pushkar fair, Rs. 1,02,515 on account of octroi duty from the cloth merchants of Ajmer, and Rs. 23,491 on account of octroi duty from the sugar merchants of Ajmer, and (2) that the said Board has three representatives of the said Railway together with two nominated members of the Local Government as its members and (3) that the said sugar and cloth merchants and the Dargah and Pushkar people have no representatives of their own on the said Board?

(b) If what are stated in (a) above are facts, do Government propose to take steps to have representatives of sugar and cloth merchants and the Dargah and Pushkar people on the Board? If so, what?

OCTROI DUTIES IMPOSED BY THE AJMER MUNICIPAL BOARD.

†216. **Khan Bahadur Haji Wajihuddin:** (a) Will Government please state whether it is a fact that an octroi duty of only half an anna per rupee is being imposed, by the Municipal Board, Ajmer, on rich food-stuff used by rich men while that of 9 pies per rupee is imposed on simple food-stuffs such as carrots, etc., used by poor persons?

(b) If what are stated in (a) above are facts, what steps do Government propose to take to set the things right for the poor public of Ajmer?

OCTROI DUTY PAID BY THE WEAVING MILLS AT ANASAGAR.

†217. **Khan Bahadur Haji Wajihuddin:** (a) Will Government please state whether it is a fact (1) that the weaving mills at Anasagar, Ajmer (where about 125 hands work), annually pay Rs. 3,000 as octroi, while the Bombay, Baroda and Central India Railway (where about 12,000 hands are working) pays an annual octroi duty of Rs. 25,000; and (2) that the Bombay, Baroda and Central India Railway would be liable to pay the said duty to the extent of three lakhs of rupees annually, calculated at the rate of the said Anasagar Mill?

(b) If what are stated in (a) above are facts, what steps do Government propose to take to make the Bombay, Baroda and Central India Railway liable to pay the duty?

HIGH DEATH RATE AND INFANT MORTALITY IN AJMER.

†218. **Khan Bahadur Haji Wajihuddin:** (a) Will Government please state whether it is a fact (1) that the infant mortality is 34 per cent. of the

†For answer to this question, see answer to unstarred question No. 208.

‡For answer to this question, see answer to unstarred question No. 212.

total deaths in the Ajmer municipal area, and (2) that the death and birth rates in the said area are 36 and 23 per cent. respectively?

(b) If what are stated in (a) above are not facts, will Government please state the correct figures?

(c) What steps do Government propose to take in the matter referred to in (a) and (b) above, in case the death rate and infant mortality are higher in Ajmer than in other important towns of British India?

NUMBER OF MUHAMMADANS IN THE RAILWAY AUDIT SERVICE.

219. **Khan Bahadur Haji Wajihuddin:** Will Government please state:

(a) what is the number of men holding permanent appointments in the Railway Audit Service in each grade, viz., officers in higher and lower grades, Auditors, Senior and Junior, and clerks in class I and class II; and

(b) what is the number of Muhammadans holding permanent appointments in each of the above grades?

The Honourable Sir George Schuster: With your permission, Sir, I will reply to questions Nos. 219 and 220 together.

Enquiry is being made and complete replies will be laid on the table in due course.

APPOINTMENT OF MUHAMMADANS IN THE RAILWAY AUDIT SERVICE.

†220. **Khan Bahadur Haji Wajihuddin:** (a) Is it a fact that the proportion of Muhammadans is very small in the Railway Audit service? If the answer is in the affirmative, will Government please state what steps they are taking to redress this grievance?

(b) Are Government prepared to select some suitable Muhammadan young men from among the present audit staff of each State-owned Railway and to appoint them as probationary auditors and officers on those Railways? If not, why not?

APPOINTMENT OF A GUARD AS JANITOR, HEADQUARTERS OFFICE, NORTH WESTERN RAILWAY.

221. **Lala Rameshwar Prasad Bagla:** (a) Will Government please state if it is a fact that Guard Hay on the North Western Railway was appointed as Janitor of Headquarters Office, North Western Railway after he was injured in an accident?

(b) Is it a fact that as Janitor he is drawing more salary than he would have drawn as a Guard?

(c) Is it a fact that he is also allowed free quarters?

(d) Is it a fact that he is allowed an assistant?

(e) Is it a fact that both of these officers only look after the work of 20 sweepers and 20 chowkidars of the Headquarters?

(f) During these days of retrenchment, have Government considered the possibility of bringing this post under retrenchment and appointing a Sanitary Inspector on lower wages?

Mr. P. R. Rau: Government have no information.

†For answer to this question, see answer to unstarred question No. 219.

APPOINTMENT OF JANITOR, HEADQUARTERS OFFICE, NORTH WESTERN RAILWAY.

222. **Lala Rameshwar Prasad Bagla:** (a) Will Government please state if the post of Janitor of the North Western Railway Headquarters Office is reserved for Europeans and Anglo-Indians only? If not, have ever applications been invited for the said post from deserving and fit Indians? If not, why not?

Mr. P. R. Rau: I am obtaining information from the Agent, North Western Railway and will lay a reply on the table of the House in due course.

TRAFFIC MANAGER, NORTH WESTERN RAILWAY.

223. **Lala Rameshwar Prasad Bagla:** (a) Is it a fact that during the years 1916 and 1924 there used to be only one Traffic Manager on the North Western Railway drawing a salary of Rs. 2,500 managing the whole of the line?

(b) Is it a fact that the earning capacity has now gone down and the number of trains been reduced?

(c) Is it a fact that where one Traffic Manager used to look after the whole of the North Western Railway, now two principal officers have been appointed in his place drawing Rs. 2,700 and Rs. 2,500 plus the Lee concessions?

(d) Do Government propose to consider amalgamating the duties of both the officers into one and thus reduce expense?

Mr. P. R. Rau: (a) Yes; until the autumn of 1924 there was one post of Traffic Manager the incumbent of which was responsible under the order of the Agent of the Railway for dealing with all the business of the Railway in Transportation (Traffic) and Commercial matters; but even then it was recognized that the work was too heavy for one officer to handle efficiently.

(b) The earning capacity of the Railway has not gone down, but increased from year to year. The number of trains now run in greater than in 1916 or 1924.

(c) On the introduction of the Divisional System on the North Western Railway in 1924 one post of Chief Operating Superintendent on a salary of Rs. 2,750—125—3,000 and one of Chief Commercial Manager on Rs. 2,500 were created. The Chief Operating Superintendent is responsible for important classes of work not previously allotted to the Traffic Manager.

(d) No; Government do not consider that amalgamating the duties of both these officers would be conducive to economy.

LEAVE RULES ON THE NORTH WESTERN RAILWAY.

224. **Lala Rameshwar Prasad Bagla:** (a) Is it a fact that New Leave Rules were framed in 1930 on the State Railways?

(b) Is it a fact that they were applied from 1927 with retrospective effect on the North Western Railway?

(c) Is it a fact that the same rule was made applicable to the Audit Department of the North Western Railway in 1929?

(d) If the rules were made in 1930, will Government state why they were applied with retrospective effect?

(e) Was any undertaking in writing taken in this respect from the employees before the year 1930?

(f) Were these rules made applicable to the new comers joining between 1927 and 1930? If so, why?

Mr. P. R. Rau: New Leave Rules for Government servants employed in the Railway Department were issued in 1930. The new rules had been under discussion for some years and from 1927 subordinates appointed on the North Western Railway were required to sign a declaration to the effect that they understood that they would be liable to be brought under the revised rules when these were issued. The new rules have been applied to all who signed such declaration. In 1928 the Railway Board ordered that similar procedure should be followed by all the State-managed Railways. Certain offices did not actually introduce the practice until 1929.

NON-AVAILABILITY OF INTERMEDIATE CLASS PASSES BY MAIL TRAINS.

225. **Lala Rameshwar Prasad Bagla:** (a) Is it a fact that inter-class pass-holders are not allowed to travel in inter-class compartments in mail trains on foreign railways, while second class pass-holders can travel in any foreign line trains?

(b) Will Government please explain the policy underlying this discrimination, and do they propose to give the same facilities to inter-class pass-holders as are being given to second class pass-holders and to issue necessary instructions to all State Railways and Company-managed Railways to issue passes available by all mail trains, as is being done in the case of second class pass-holders? If not, why not?

Mr. P. R. Rau: (a) Over foreign railways, inter class passes are not available by mail, but second class passes are available when issued:

- (i) to staff drawing Rs. 400 per mensem or over;
- (ii) to staff drawing Rs. 126 per mensem but less than Rs. 400, when travelling 600 miles and over;
- (iii) on medical certificate.

(b) The restrictions in the availability of passes by certain trains are intended to prevent the limited accommodation available on these trains being taken up by pass-holders to the discomfort and inconvenience of the public. Government see no reason for interfering in the matter.

ENDORSEMENT OF PASSES OF OFFICERS AND CLERKS ON THE NORTH WESTERN RAILWAY.

226. **Lala Rameshwar Prasad Bagla:** (a) Is it a fact that the practice of endorsing the passes with ink by the officers on the North Western Railway has been stopped and for the clerical staff and outdoor-staff it still continues?

(b) If so, why has such a differential treatment been made?

(c) Are Government prepared to remove this differential treatment on the North Western Railway? If so, when? If not, why not?

Mr. P. R. Rau: (a), (b) and (c). The differentiation pointed out exists at present. The Agent, North Western Railway has been asked to consider the necessity for its retention.

REVISION OF THE SCALE OF PAY OF THE LOCAL ENGINEERING AND TRAFFIC SERVICE.

227. **Lala Rameshwar Prasad Bagla:** While revising the scale of pay of the Local Engineering and Traffic Service from Rs. 250—20—750 to Rs. 350—30—800 under the new Local Gazetted Service, will Government please state if they considered the present economy campaign? If not, why not?

Mr. P. R. Rau: The scale of pay for the Lower Gazetted Service was fixed before the need for retrenchment of expenditure on a large scale became apparent.

QUALIFICATIONS OF LADY STENOGRAPHERS AND TYPISTS ON THE NORTH-WESTERN RAILWAY.

228. **Lala Rameshwar Prasad Bagla:** Is it a fact that lady stenographers and lady typists are being recruited on the North Western Railway without any regard to their educational qualifications, while 3rd Division Matriculates are not entitled to the posts of stenographers and typists? If so, do Government propose to remove this racial discrimination or fix the same educational qualification for ladies as well as male candidates? If not, why not?

Mr. P. R. Rau: I have called for information from the Agent, North Western Railway and will lay a reply on the table in due course.

PAY OF LADY TYPISTS ON THE NORTH WESTERN RAILWAY.

229. **Lala Rameshwar Prasad Bagla:** Is it a fact that male typists on the North Western Railway are being appointed on Rs. 39 and lady typists on Rs. 68 per month? If so, do Government propose to bring lady typists also on the same scale as male typists? If so, when? If not, why not?

Mr. P. R. Rau: I have called for information from the Agent, North Western Railway and will lay a reply on the table in due course.

PROMOTION OF TYPISTS ON THE NORTH WESTERN RAILWAY.

230. **Lala Rameshwar Prasad Bagla:** (a) Is it a fact that on the North Western Railway orders have been issued that 3rd division matric and non-matric typists are not allowed to be transferred to other sections of the office?

(b) Is it a fact that a typist cannot rise to higher posts due to the number of posts being limited in lower grades?

(c) Is it a fact that non-matric and 3rd division men in other sections can rise and have risen to gazetted officers and Superintendents?

(d) If the facts mentioned in part (c) are correct, do Government propose to withdraw this order and remove the bar?

(e) Are Government prepared to increase the number of grades in the Copy Branch of the Headquarters Office, North Western Railway in the same proportion as in the other sections?

Mr. P. R. Rau: I have called for information from the Agent, North Western Railway and will lay a reply on the table in due course.

CASUAL LEAVE FOR OFFICERS AND CLERKS ON THE NORTH WESTERN RAILWAY.

231. Lala Rameshwar Prasad Bagla: (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 a year? If no such record is kept in the case of officers will Government be pleased to state reasons for not doing so?

(f) Do Government propose to fix the casual leave for officers as is done in the case of clerks and other staff?

Mr. P. R. Rau: (a) to (d) and (f). Ordinarily casual leave is allowed on the North Western Railway up to 15 days in a calendar year and to 10 days at a time. These limits can, however, in exceptional cases be exceeded at the discretion of the authorities competent to grant casual leave. These principles apply to officers as well as to clerical staff.

(e) The answer is in the negative. The question whether a record should be maintained is under consideration.

RETRENCHMENT OF OFFICERS AND WORKMEN ON THE NORTH WESTERN RAILWAY.

232. Lala Rameshwar Prasad Bagla: (a) Is it a fact that heavy reduction in labour establishment, i.e., mistries, fitters and coolies and running trains has been made previously in Loco. Sheds on the North Western Railway?

(b) Is it a fact that due to this reduction the work has been much reduced?

(c) If the reply to (b) above is in the affirmative, will Government please place on the table a statement of Divisional Rolling Stock Officers, Assistant Rolling Stock Officers, Shed Foremen, Assistant Shed Foremen, Mechanical Boiler Inspectors, Loco. Inspectors, Fuel Inspectors, Divisional Boiler Makers, Boilermaker Chargemen, who have been brought under reduction due to the decrease in work in proportion to the reduction in the labour establishment, i.e., mistries, fitters and coolies and running trains? If not, why not?

(d) If the reply to the part (b) above is in the negative, has the work of men so retrenched been put on the shoulders of the other workmen at present employed? If so, why?

Mr. P. R. Rau: (a), (b) and (d). The strength of the classes of establishments referred to has been reduced owing to a reduction in the volume of work and to measures of reorganisation.

(c) I have called for information from the Agent, North Western Railway and will lay a statement on the table in due course.

RETRENCHMENT OF WORKS MANAGERS, ETC., OF THE LOCO. AND CARRIAGE SHOPS, NORTH WESTERN RAILWAY.

233. Lala Rameshwar Prasad Bagla: (a) Is it a fact that heavy reduction in the labour establishment, i.e., mistries, fitters and coolies, has been made previously in Loco. and Carriage Shops on the North Western Railway?

(b) Is it a fact that due to this reduction the work has been much reduced?

(c) If the reply to part (b) above is in the affirmative, will Government please place on the table a statement of Works Managers, Production Engineers, Assistant Production Engineers, Assistant Works Managers, Foremen, Assistant Foremen and Senior Chargemen who have been brought under reduction due to the decrease in work in proportion to the reduction in labour, work and hour? If not, why not?

(d) If the reply to part (b) above is in the negative, has the work of the men so retrenched been put on the shoulders of other workmen at present employed? If so, why?

Mr. P. R. Rau: (a), (b) and (d). The strength of the classes of establishments referred to has been reduced owing to a reduction in the volume of work and to measures of reorganisation.

(c) I have called for information from the Agent, North Western Railway and will lay a statement on the table in due course.

FAMILY PASS RULES ON THE NORTH WESTERN RAILWAY.

234. Lala Rameshwar Prasad Bagla: (a) Is it a fact that passes are being issued to North Western Railway employees for their widowed mothers also according to the definition of the "family" in the Pass Rules?

(b) Is it a fact that provision has already been made in the Pass Rules for the grant of passes to adopted sons on production of court certificates of their adoption and to step sons of the North Western Railway employees?

(c) Is it a fact that no passes are being issued to the adoptive widow-mothers of the North Western Railway employees?

(d) If the reply to parts (a), (b) and (c) is in the affirmative, will Government please state who is to be called the *mother*—the woman who has adopted one as her son or who has actually given birth to one—as far as the grant of passes on the North Western Railway is concerned? If the former, will Government please explain the reasons for refusing passes to them?

(e) Do Government propose to issue instructions to all concerned to issue passes for the adoptive widow-mothers of the Railway employees? If not, why not?

Mr. P. R. Rau: (a) and (b). Yes.

(c) Government have no information.

(d) and (e). The issue of passes to dependents of employees is governed by rules drawn up by each Railway Administration, and Government do not consider that their intervention in points of detail is called for.

PASS RULES ON RAILWAYS.

235. **Lala Rameshwar Prasad Bagla:** (a) Is it a fact that great difficulty is being experienced on all State and Company-managed Railways due to difference in Pass Rules?

(b) Is it a fact that a great many local rulings have been issued on the North Western Railway regarding issue of passes to its employees?

(c) If the reply to parts (a) and (b) above is in the affirmative, do Government propose to prepare uniform Pass Rules in concurrence with all State and Company-managed Railways like the New Universal Leave Rules and issue instructions to all concerned not to add their local rulings to the uniform Pass Rules? If not, why not?

Mr. P. R. Rau: (a) Government have no reason to think so.

(b) At present each railway has its own pass rules which it may alter or modify to suit local conditions.

(c) Government have under consideration the issue of uniform pass rules for State-managed Railways.

HEAD DRAFTSMAN, LOCO. HEADQUARTERS OFFICE, NORTH WESTERN RAILWAY.

236. **Lala Rameshwar Prasad Bagla:** (a) Is it a fact that the present Head Draftsman, Loco. Headquarters Office, North Western Railway, is a non-technical man?

(b) Is it a fact that he was previously a Tracer and then a Photographer in the Publicity Section of the Headquarters Office and has never worked on boards?

(c) If the reply to parts (a) and (b) above is in the affirmative, have Government considered the question of replacing him by one of the qualified A or B class Moghalpura College apprentices?

Mr. P. R. Rau: I am making enquiries from the Agent of the North Western Railway and will lay the information on the table of the House after his reply has been received.

PAUCITY OF HINDUS IN WORKSHOPS ON THE NORTH WESTERN RAILWAY.

237. **Lala Rameshwar Prasad Bagla:** (a) Will Government be pleased to place on the table a statement showing the total number of employees working in various Workshops, Loco Sheds and Train Examining Staff on the North Western Railway according to community and the grades and rates of pay held by them and also state the number of Hindus engaged in them in comparison with the Muhammadans for the last five years separately working on different posts such as Workmen, Mistry, Junior Chargemen, Chargemen and Assistant Foremen?

(b) Will Government be pleased to state the reason for such a small number of Hindus in the above shops and do Government propose to see their way to equalize the number of Hindus? If not, why not?

Mr. P. R. Rau: (a) Information is being collected by Mr. Hassan of the communal composition of the employees in the workshops of the State managed railways and a copy of his report on the subject will be laid on the table.

Government regret they cannot undertake to collect similar statistics for the locomotive sheds and train examining staff.

(b) Until the figures are collected Government are not in a position to say whether any special action is called for.

MEDICAL TREATMENT OF EMPLOYEES ON THE NORTH WESTERN RAILWAY.

238. **Lala Rameshwar Prasad Bagla:** (a) Is it a fact that subordinate employees of the North Western Railway are compelled to undergo the treatment of the Railway doctor during their illness whether the treatment agrees with them or not?

(b) If the reply to the above is in the affirmative, are Government prepared to issue instructions to amend or cancel these instructions and allow employees to undergo the treatment which agrees with them best whether it is allopathic or any indigenous method?

Mr. P. R. Rau: (a) No.

(b) Does not arise.

MEDICAL CERTIFICATES REQUIRED FROM NORTH WESTERN RAILWAY EMPLOYEES.

239. **Lala Rameshwar Prasad Bagla:** (a) Is it a fact that the Chief Medical Officer, North Western Railway, had issued orders for the North Western Railway employees to attend their headquarters dispensaries for necessary medical certificates of fitness after their recovery after illness?

(b) Is it a fact that the Medical Officers at out-stations can only issue admission certificates to Railway employees and cannot issue discharge certificates?

(c) Are Government aware that this system causes unnecessary trouble and expense to the North Western Railway employees other than officers who are exempt from this?

(d) If the reply to parts (a), (b) and (c) above is in the affirmative, do Government propose to cancel or amend this order or appoint reliable medical officers at other stations than headquarters so as to enable them to issue discharge certificates also? If not, why not?

Mr. P. R. Rau: (a) The answer is in the negative. It is at the discretion of Medical Officers to require the attendance at headquarters dispensaries of employees in particular instances, where the circumstances demand it, prior to the issue of discharge certificates.

(b) The answer is in the negative.

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

REDUCTION OF THE PAY OF THE CHIEF ENGINEER, CONSTRUCTION, NORTH
WESTERN RAILWAY, AND HIS STAFF.

240. **Lala Rameshwar Prasad Bagla:** (a) Is it a fact that the construction work on the North Western Railway has been stopped due to financial stringency?

(b) Is it a fact that the office establishment has considerably been reduced?

(c) If the reply to parts (a) and (b) is in the affirmative, will Government explain the reason for not reducing the pay and cadre of the Chief Engineer Construction? Was this post only temporarily sanctioned for the new construction work? Do Government propose to abolish the post in question and those of the Office Superintendent, Head Clerks, etc., and to reduce the strength of the office to the same footing as it previously was at the time of Deputy Chief Engineer Construction?

Mr. P. R. Rau: (a) Yes, except for urgent Bridge renewals and the completion of works in hand.

(b) Yes.

(c) The post of Chief Engineer, Construction and Survey is to be abolished with effect from the end of April. The question as to what supervisory posts in the subordinate establishment of the construction office should be abolished is a matter for decision by the Agent of the railway whose attention will be drawn to the Honourable Member's question.

APPOINTMENT OF INDIANS AS FOREMEN, ETC., IN MILITARY WORKSHOPS,
ETC.

241. **Lala Rameshwar Prasad Bagla:** Is it a fact that all Mechanical Engineers, Foremen and Assistant Foremen in Military Workshops, Factories and Inspection Departments are Europeans or Anglo-Indians except in the Gun and Shell Factory, Cossipur, where there is one Indian employed as Assistant Works Manager? Do Government propose to stop further enrolment from among Europeans and Anglo-Indians in order to reserve sufficient numbers for Indians in the departments?

Mr. G. M. Young: There are at present two Indians holding gazetted appointments of Assistant Works Manager (under training) and Assistant Chemical Inspector, one in the Ordnance Factories and one in the Inspection Section.

There are one Indian Foreman and 12 Indian Assistant Foremen in the Ordnance Factories. There are no Indians at present in the Inspection Section and Arsenal workshops. There is no bar to the employment of qualified Indians in any of the above departments. Recruitment of candidates is now done through the Public Service Commission, and all qualified men are eligible for recruitment. The question of stopping further enrolment of Europeans and Anglo-Indians in order to reserve sufficient numbers for Indians in the departments does not therefore arise.

PASSES ISSUED TO LADY EMPLOYEES ON RAILWAYS.

242. **Lala Rameshwar Prasad Bagla:** Is it a fact that 2nd class passes are granted to the lady employees irrespective of their pay on the State

and Company-managed Railways? If so, why are not 2nd class passes issued to the ladies of male employees irrespective of their pay?

Mr. P. R. Rau: The pass rules of the State-managed Railways show that on some of these lines certain classes of lady employees are allowed second class passes irrespective of their pay. The class of pass admissible to an employee's family is determined by the class of pass admissible to the employee himself.

REFLOORING AND RELINING OF WALLS IN THE NORTH WESTERN RAILWAY
HEADQUARTERS OFFICE.

243. **Lala Rameshwar Prasad Bagla:** Is it a fact that the work of reflooring and relining of walls has been done in the North Western Railway Headquarters Office, and that this work includes the use of card boards in relining the walls by removing tiles in good condition? If so, will Government be pleased to explain the necessity for incurring this expenditure on such work?

Mr. P. R. Rau: Government have no information, but think it unlikely that card boards would be used for the purpose.

B CLASS MACLAGAN ENGINEERING APPRENTICES ON THE NORTH WESTERN
RAILWAY.

244. **Lala Rameshwar Prasad Bagla:** Is the scale of B Class MacLagan Engineering Apprentices on a level with the scales of Apprentice Permanent-Way Inspectors, Bridge Inspectors, and Signal and Interlocking Inspectors on the North Western Railway? If not, are Government prepared to bring it to the same level?

Mr. P. R. Rau: The reply to both parts of the question is in the negative.

APPOINTMENT OF INDIANS AS OFFICERS ON STATE RAILWAYS.

245. **Lala Rameshwar Prasad Bagla:** Is it a fact that the Foremen on all State Railways and especially on the North Western Railway are being promoted to officer's grade while formerly the latter were recruited from England? Is it their policy to stop Indianization on all State Railways? If so, why? Are Government prepared to see their way to filling the permanent posts of Assistant Rolling Stock Officers and Assistant Works Managers by Indians in future and not by Foremen?

Mr. P. R. Rau: Foremen are eligible for promotion to the lower gazetted service and also to the superior service. The number of vacancies in the superior service reserved to be filled by promotion of subordinates and officers of the lower gazetted service is limited to 15 per cent. of the total vacancies to be filled. These arrangements have been in force for some time and they do not operate to retard the progress of Indianization of the superior services and Government do not propose to alter them in the direction suggested by the Honourable Member.

APPOINTMENT OF INDIANS AS SHOP FOREMEN, ETC.

246. **Lala Rameshwar Prasad Bagla:** (a) Will Government please place on the table a statement giving the number of different communities working as Shop Foremen, Shop Assistant Foremen, Shed Foremen and Assistant Shed Foremen, Electricians, Divisional Electricians, Divisional Rolling Stock Inspectors, Mechanical Boiler Inspectors, Loco Inspectors and Fuel Inspectors on the North Western and other State Railways and explain why Indians are in such a minority?

(b) Are Government prepared to Indianize the North Western and other State Railways, and to fill the vacancies by Indians who have qualified themselves in B.Sc. (Mechanical and Electrical) in England or India in future? If not, why not?

Mr. P. R. Rau: (a) Government regret that they are not prepared to supplement with figures for individual classes of establishment the information in regard to communal representation given in the Annual Report by the Railway Board on Indian Railways.

(b) The declared policy of Government in the matter of Indianization of the Superior Services on State-managed Railways has been given full effect to in recent years and 75 per cent. of all vacancies have been filled by Indians. I would add that in view of the fact that the first batch of Special Class Apprentices of the Mechanical Engineering and Transportation (Power) Branches would not complete their training until 1933. Government made special arrangements as a temporary expedient to recruit a few Indian Officers to these Branches during the last 2 years.

HIGHER GRADES IN ESTABLISHMENT BRANCHES OF HEADQUARTERS AND DIVISIONAL SUPERINTENDENTS' OFFICES ON THE NORTH WESTERN RAILWAY.

247. **Lala Rameshwar Prasad Bagla:** (a) Is it a fact that the number of higher grades allotted to Establishment Branches of the Headquarters and Divisional Superintendents' offices, North Western Railway, is comparatively higher than that allotted to other Branches in the same offices?

(b) If the reply is in the affirmative will Government explain the reasons? Is there any difference in the qualifications of the staff employed in Establishment and other branches? Do Government propose to consider the question of allotment of a proportionate number of grades in branches of Headquarters and Divisional Superintendents' Offices?

(c) If the reply to part (a) is in the negative, will Government place on the table a statement showing the total number of staff and the total number of each class of grades allotted to each branch?

Mr. P. R. Rau: I have called for certain information from the Agent, North Western Railway and will lay a reply on the table in due course.

PROMOTION OF CLERKS AT THE HEADQUARTERS OFFICE, NORTH WESTERN RAILWAY.

248. **Lala Rameshwar Prasad Bagla:** Is it a fact that in the Establishment Branch of the Headquarters Office, North Western Railway there are clerks with a few years service at their credit, who are working in

higher grades and that clerks of their standing in other branches are blocked from five to seven years or so? If it is true, do Government propose to consider the cases of those blocked up in their grades in preference to the former?

Mr. P. R. Rau: I have called for certain information from the Agent, North Western Railway and will lay a reply on the table in due course.

GRANT OF CONCESSIONS TO CLERKS OF NORTH WESTERN RAILWAY OFFICES FOR ATTENDING OFFICE ON SUNDAYS AND HOLIDAYS.

249. **Lala Rameshwar Prasad Bagla:** Is it a fact that no compensatory casual leave or tonga hire is allowed to the clerical staff employed in the offices of the North Western Railway for attending offices on Sundays and other holidays? If so, do Government propose to issue orders on the subject to the North Western Railway authorities for the grant of the concessions? If not, why not? Is it a fact that such concession is allowed to the clerical and inferior staff employed in the offices of other State Railways, vide Railway Board's letter No. 6560-F., dated 17th July, 1930?

Mr. P. R. Rau: I am collecting certain information on the subject and will lay a reply on the table in due course.

INCREASE OF HOURS OF CLERICAL ESTABLISHMENT ON STATE RAILWAYS.

250. **Lala Rameshwar Prasad Bagla:** Is it a fact that the Railway authorities are going to increase the duty hours of the clerical establishment on the State Railways in order to reduce the number of clerical staff?

Mr. P. R. Rau: The Railway Board propose to discuss the matter with Agents of railways in April next.

COMMUNAL INEQUALITIES IN THE NORTH WEST FRONTIER PROVINCE.

251. **Khan Bahadur Haji Wajihuddin:** With reference to the reply given by Government to unstarred question No. 236, asked on the 2nd March, 1931, by me, 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 review has recently been completed but Government have not yet come to final conclusions as to what action, if any, is required.

APPOINTMENT OF MUSLIMS AS COPYHOLDERS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

252. **Kunwar Hajee Ismail Ali Khan:** Will Government be pleased to state how many posts of copyholders fell vacant in the Reading Branch of the Government of India Press, New Delhi, since 1928 and how many of them were filled with Muslims? If none, why not?

The Honourable Sir Joseph Bhoré: I propose with your permission, Sir, to answer questions 252 to 258 together. Government have no reason to suppose that the procedure laid down in the Home Department Memorandum is not being observed in the presses. In applying this procedure

to the industrial staff, the Controller of Printing and Stationery has been instructed that the communal composition should be determined with reference to the aggregate strength of the press and that the procedure need not be applied individually to each class of appointment. Further the procedure is not applicable to promotions. For these reasons and because these appointments are matters of administrative detail for which the Controller is responsible, I cannot undertake to supply particulars of appointments to various grades made since 1927 or later. But I shall have inquiries made with a view to satisfying myself that the procedure laid down by Government for filling vacancies is being duly observed.

APPOINTMENT OF MUSLIM PEONS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

†253. **Kunwar Hajee Ismail Ali Khan:** Will Government be pleased to state the number of permanent posts of peons in the Government of India Press, New Delhi, and how many of them are Muslims? If there are no Muslims, what step do Government propose to take to make up the deficiency of Muslims?

APPOINTMENT OF MUSLIMS TO THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

†254. **Kunwar Hajee Ismail Ali Khan:** Will Government be pleased to state how many posts in the scale of Rs. 80—4—140 were created in 1927 in the Government of India Press, New Delhi, and how many of them were filled with Muslims? If none, what step do Government propose to take to redress the communal inequalities in future?

REDRESS OF COMMUNAL INEQUALITIES IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

†255. **Kunwar Hajee Ismail Ali Khan:** (a) Are Government aware that the Home Department Memo. No. F-1761/25-Ests., dated 5th February, 1926, regarding the reservation of one-third of all permanent vacancies for the redress of communal inequalities was not duly observed in filling up the vacancies in the Government of India Press, New Delhi?

(b) How many posts of the grade Rs. 80—4—140 fell vacant from 1929 to 1931 and how many of them were filled with Muslims? If none, why not?

APPOINTMENT OF A MUSLIM AS ACCOUNTANT AND CASHIER, GOVERNMENT OF INDIA PRESS, NEW DELHI.

†256. **Kunwar Hajee Ismail Ali Khan:** Will Government be pleased to state whether a post of Accountant and Cashier fell vacant in 1928 in the Government of India Press, New Delhi? Is it a fact that applications from qualified Muslim candidates were received? If so, why were their applications not considered favourably?

†For answer of this question, see answer to unstarred question No. 252.

APPOINTMENT OF MUSLIMS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

†257. **Kunwar Hajee Ismail Ali Khan:** How many Muhammadans are there in the upper grade in the Government of India Press, New Delhi and what qualifications do they possess? Are they considered for officiating cases? If not, why not?

APPOINTMENT OF MUSLIMS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

†258. **Kunwar Hajee Ismail Ali Khan:** Will Government be pleased to state how many permanent vacancies in the upper and lower grades fell vacant in the clerical establishment of the Government of India Press, New Delhi, since 1928 and how many of them were filled up by Muslims? If none, why not?

GRIEVANCES OF MUSLIMS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

259. **Kunwar Hajee Ismail Ali Khan:** Are Government aware that great discontent has been prevailing among the Muslim employees of the Government of India Press, New Delhi, owing to the repressive policy of the administration against them? If the answer is in the affirmative, what remedy do Government propose to remove their grievances?

The Honourable Sir Joseph Bhoré: The answer to the first part is in the negative. The second part does not arise.

RETRENCHMENT IN THE MORADABAD ENGINEERING WORKSHOPS.

260. **Mr. N. M. Joshi:** (a) Will Government be pleased to state if it is a fact that 40 men have been retrenched from the Moradabad Engineering (East Indian Railway) Workshop with effect from 8th March 1932?

(b) Is it a fact that several of these men with a longer service have been retrenched while those much junior to them have been retained?

(c) Is it a fact that the wages of these men were demoted much before the notice of retrenchment was issued?

Mr. P. R. Rau: I have called for information from the Agent, East Indian Railway and will lay a reply on the table in due course.

NUMBER OF OFFICERS IN THE CIVIL ENGINEERING DEPARTMENT, EAST INDIAN RAILWAY.

261. **Mr. N. M. Joshi:** (a) What is the sanctioned number of officers in the Civil Engineering department of the East Indian Railway from 1st April 1932?

(b) What is the total number of engineers at present?

(c) Is it a fact that they are in large excess of the necessary number?

(d) If so, how is the excess to be utilised?

(e) Is it a fact that probationers are still being taken for the engineering service? If so, what is the need of enlisting them?

†For answer to this question, see answer to unstarred question No. 252.

(f) Is it a fact that several engineers have been posted as traffic officers in excess of their number?

Mr. P. R. Rau: (a) The total number of posts in the sanctioned cadre of the Superior Service Civil Engineering Branch of the East Indian Railway is 76.

(b) 94.

(c) The excess is 18.

(d) and (f). Some are employed against administrative posts open to officers of all Branches of the Superior Railway Services and, as a temporary arrangement the remaining number in excess are utilized in vacant posts in the Lower Gazetted Service of the Engineering Branch and in other Branches of the Superior Services.

(e) Government have decided that for the present recruitment to the Indian Railway Service of Engineers (which includes the Superior Engineering Service of the East Indian Railway and of all the other State-managed Railways) should be severely restricted. This year only one such appointment was made.

NUMBER OF OFFICERS IN THE MECHANICAL ENGINEERING DEPARTMENT, EAST INDIAN RAILWAY.

262. **Mr. N. M. Joshi:** (a) What is the total sanction of officers in the Mechanical Engineering Department including Power, Rolling Stock and Electrical Branch for the next year on the East Indian Railway? What is their present permanent strength?

(b) Is there any excess of such officers? If so, how is it proposed to absorb them?

(c) If there is a shortage of these officers why are not surplus engineering officers transferred to this branch instead of recruiting probationers?

(d) How many officers of the above department will retire within the next three years?

Mr. P. R. Rau: (a) The total number of posts in the sanctioned cadre of the Superior Service, Mechanical Engineering and Transportation (Power) Branches and of the Electrical Branch of the East Indian Railway is 72. Against this number, 65 officers are employed.

(b) The answer to the first part is in the negative, the second part, therefore, does not arise.

(c) The Railway Board have issued orders to the Agent of the East Indian Railway to employ Civil Engineers temporarily against vacancies in these Branches provided they are qualified to discharge the duties attached to the vacant posts.

(d) The number of officers in the Superior Service, Mechanical Engineering and Transportation (Power) Branches and of the Electrical Branch of the East Indian Railway who will attain the age of superannuation within the next three years, is 8.

EXCESS OF CIVIL ENGINEERS ON THE EAST INDIAN RAILWAY.

263. **Mr. N. M. Joshi:** (a) How many civil engineers were taken for temporary capital work on the East Indian Railway? How many of them have been discharged and how many remain still?

(b) Is there any work of construction now, and if not do Government propose to discharge all of them?

(c) Is it a fact that some of these engineers have been or are being provided against permanent vacancies instead of promoting subordinates to the extent of the full number fixed for their promotion?

(d) How many of the Civil Engineering officers are due to retire?

(e) Do Government propose to recommend Company Lines to take the officers in excess on the East Indian Railway?

Mr. P. R. Rau: (a) I have called for information from the Agent, East Indian Railway, as regards the number of Temporary Engineers engaged during the last five years and will lay a reply on the table in due course.

(b) and (c). A few Temporary Engineers will be retained on grounds of long service and good record. Temporary Engineers are considered for appointments in the Lower Gazetted Service. Funds for two projects which are nearing completion have been provided for during 1932-33.

(d) The number of officers in the Superior Engineering Branch of the East Indian Railway who will attain the age of superannuation this year is 2.

(e) No, as there is no excess on the East Indian Railway over the total sanctioned cadre of gazetted posts.

PROMOTION OF SUBORDINATES IN THE CIVIL ENGINEERING AND TRAFFIC DEPARTMENTS, EAST INDIAN RAILWAY.

264. **Mr. N. M. Joshi:** (a) How many posts are allotted to subordinates in the Civil Engineering and the Traffic Departments respectively and how many are at present being held by them?

(b) How many subordinates officiating in each branch have been reverted from officers rank in the East Indian Railway during the current year?

(c) How many officers of superior grade have been posted in the places of such subordinates?

(d) How many of these reverted subordinates belong to the old East Indian Railway and Oudh and Rohilkund Railway staff respectively?

(e) How many subordinates of the old East Indian Railway and the old Oudh and Rohilkund Railway staff respectively holding officers' rank are Europeans, Anglo-Indians, Hindus and Muslims?

(f) When is it expected that these reverted subordinates will be promoted to the officer's rank again?

Mr. P. R. Rau: (a) The Honourable Member presumably refers to the Lower Gazetted Service. The sanctioned cadre of the Engineering and Transportation (Traffic) and Commercial Departments of the East Indian Railway Lower Gazetted Service is 19 and 24 respectively.

(b), (c), (d), (e) and (f). I have called for information from the Agent, East Indian Railway and will lay a reply on the table in due course.

SUBORDINATES PROMOTED ON THE EAST INDIAN AND OUDH AND ROHILKUND RAILWAYS.

265. **Mr. N. M. Joshi:** (a) How many subordinates in the East Indian Railway and the Oudh and Rohilkund Railway were holding officers' ranks before the amalgamation of the two Railways and how many are working in the officer's rank at present?

(b) Is the East Indian Railway number less and, if so, why?

Mr. P. R. Rau: I have called for information from the Agent, East Indian Railway, and will lay a reply on the table in due course.

MOTION FOR ADJOURNMENT.

ALLEGED MALTREATMENT OF WOMEN POLITICAL PRISONERS.

Mr. President: Order, order. Honourable Members are aware that Sardar Sant Singh proposed 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:

"Maltreatment of the women political prisoners from Delhi Jail in the course of their transfer to mixed jails in the Punjab on the 18th March, 1932."

I have to enquire whether any Honourable Member has any objection to this motion?

The Honourable Sir James Crerar (Home Member): Yes, Sir, I take objection to this motion. I understand that the Honourable Member is relying for his motion upon a Press report. I have enquired about the allegations of maltreatment made, and I have satisfied myself that they are entirely unjustified. I do not wish to make a long statement but, briefly, the position was this. In order to provide better accommodation for a certain number of women prisoners, arrangements were made for their transfer to another jail so as to relieve congestion in the Delhi jail. They offered violent resistance to their removal and had to be removed with some force. In the case of two or three who had to be removed, this was done entirely by Police women, who, I am told, behaved extremely well on the occasion. Now, Sir, these being the facts, I submit that the Honourable Member would have taken a more reasonable course if he had put down a question, if necessary a short notice question, which I should have been perfectly willing to answer. Even now, I am willing to answer a short notice question if the Honourable Member will put it in specific terms. That, I submit, is the more reasonable course for the Honourable Member to take. And I submit further that if we are to have motions for the adjournment of the House on mere rumours or on uncorroborated Press reports, the procedure of the House will be in grave danger of being seriously abused. On these grounds I object to the motion.

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. As no 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.

STATEMENTS LAID ON THE TABLE.

NUMBER OF POLITICAL PRISONERS DETAINED UNDER RECENT ORDINANCES.

Complete reply to Mr. S. C. Mitra's starred question No. 111 regarding detention of persons in jail without trial.

The Honourable Sir James Crerar (Home Member): The total number of persons detained in jail without trial on the 31st January, 1932 under the various Ordinances was 2,919.

APPOINTMENT OF CHIEF DRAFTSMAN ON THE NORTH WESTERN RAILWAY.

Information to be laid on the table of the House by Mr. P. R. Rau in regard to questions Nos. 467, 468 and 469 asked by Bhai Parma Nand on 22nd February, 1932.

Question No. 467.—(a) Before indenting for the services of an Assistant Chief Draftsman to be recruited in England, the post was advertised in India, but none of those who applied were considered qualified to fill it.

(b), (c) and (d). The reply is in the affirmative.

(e) Mr. Stone holds the post substantively and therefore the question of confirming Mr. Keith Hitchens as Chief Draftsman does not arise for so long as the former is in service. When the post becomes permanently vacant, it will be filled by a suitable man already in service with due regard to merit and seniority irrespective of nationality.

Question No. 468.—(a) Mr. S. R. Woodmore was a "B" Class Apprentice Fitter and Erector from 5th April, 1923 to 4th April, 1928 and on completion of his course of apprenticeship was appointed as a Journeyman on 5th April, 1928 and promoted to the post of Senior Chargeman on 5th August, 1930.

(b) Mr. Woodmore is holding the post in an officiating capacity.

(c) There were only four "A" Class Apprentices in the service at the time Mr. Woodmore was appointed to officiate as Chief Draftsman.

One of these "A" class Apprentices has been promoted to a post of Assistant Works Manager and two were junior to Mr. Woodmore as apprentices and are now working as Senior Chargemen. The remaining apprentice was tried in the grade of a Foreman, found unsuitable and reverted as Senior Chargeman.

Question No. 469.—(a), (b) and (c). The reply is in the affirmative.

(d) It is not a fact that the only training received by Mr. S. R. Woodmore, officiating Chief Draftsman, was a course of drawing in the Production Office for a period of five months. He was a regular apprentice for a period of five years from 5th April, 1923 to 4th April, 1928, during which period he underwent practical training in the workshops and theoretical training in the MacLagan Engineering College Lahore.

(e) These appointments are ordinarily made from amongst staff in service and the claims of all suitable men are considered when making such appointments irrespective of the nationality or community to which they may belong.

NET EARNINGS OF CERTAIN NEWLY CONSTRUCTED RAILWAY LINES.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, in fulfilment of an undertaking which I gave on the 19th February, 1930, during the general discussion on the Railway Budget, I lay on the table a statement, giving the information at present available as to the net earnings of certain newly constructed railway lines, during the financial year 1930-31, and a comparison of the return given by these earnings on the capital outlay with the return anticipated in the original estimates.

Statement showing net earnings during the financial year 1930-31 of new lines opened after 1st October 1927, throughout for traffic for a full year.

Serial No.	Name of project.	Working Railway.	Gauge.	Mileage.	Date of opening.	Net income creditable to the project for 1930-31.	Percentage return of income (column 7 on capital outlay).	Estimated Percentage return of income on capital outlay some years after opening as estimated originally.	Remarks.
1	2	3	4	5	6	7	8	9	10
1	Chittagong-Nazirhat	A. B.	3' 3½"	22.97	17-3-30	Rs. 29,148	-1.38	8.50	
2	Feni-Belonia	"	"	16.88	1-12-29	-14,463	-1.03	5.80	
3	Furkating-Badulipara, Jorhat	"	"	42.28	1-8-28	65,064	1.90	7.00	
4	Karimganj Lungai Valley	"	"	39.45	1-1-29	-63,343	-1.85	5.50	
5	Netrakona-Mohanganj Extension	"	"	17.55	1-4-29	873	0.04	9.60	
6	Shaistaganj-Habiganj-Bella	"	"	25.29	1-12-29	4,136	0.19	6.47	
7	Sibsagar Road-Khowang	"	"	38.79	10-11-27	90,329	2.59	7.00	
8	Borjavi-Vadial	B.B.&C.I.	5' 6"	3.71	18-4-29	-5,142	-2.28*	5.00	
9	Jambusar Kavi	"	2' 6"	17.87	1-8-29	-8,046	-1.01*	8.00	
10	Samni Dahej	"	2' 6"	24.72	1-3-30	-24,194	-2.63*	8.90	
11	Heho-Shwenyaung	Burma	3' 3½"	11.25	2-5-28	-77,719	-2.74	6.00	
12	Nyngyan-Natogyi-Ialeik	"	"	68.86	13-1-30	-1,38,413	-1.94	5.50	
13	Nyaunglebin-Madauk	"	"	11.06	15-8-29	-8,508	-0.65	3.37	
14	Abdulpur-Nawabganj	E. B.	5' 6"	56.6	11-2-30	-1,68,520	-1.76	6.20	
15	Baruipur Lakshminikantapur	"	"	23.26	15-12-28	-35,600	-0.77	7.00	
16	Dineajpur Ruhea	"	3' 3½"	47.80	8-5-28	-12,357	-0.31	6.50	
17	Purnea Murighanj (with Branch from Banuankhi to Behariganj)	"	"	50.13	1-10-29	26,411	0.76	6.50	
18	Chandpur-Bijnor-Muzzampur Narain	E. I.	5' 6"	37.00	5-1-30	-20,854	-0.78*	6.10	
19	Agra-Beh.	G. I. P.	"	43.00	10-4-29	-50,039	-1.74	6.30	

20	Cocanada-Kotipalli	M.&S.M.	5' 6"	27.08	1-11-29	77,960	1.86	6.00	†The line was sanctioned for construction on the assurance that a minimum output of 35,000 tons of manganese ore annually by the Sandur Mining Company would be enough to guarantee the railway against loss.
21	Guntur-Macherla	"	3' 3½"	79.83	15-1-30	1,63,957	3.56	5.25	
22	Gudivada-Bhinavara	"	"	40.60	17-9-28	89,605	2.20		
23	Nidadavolu-Narsapur.	"	5' 6"	47.16	3-2-29	2,63,938	3.83	6.61	
24	Kannihalli-Swamihalli Extension	"	3' 3½"	11.74	15-3-28	2,01,152	34.6		‡Loss to the extent of Rs. 20,000 guaranteed by Local Government so as to obtain a return of 5.5 per cent. on capital outlay.
25	Amritsar-Narowal	N. W.	5' 6"	39.11	6-5-29	19,714	0.26*	5.50	
26	Jassar-Shakargarh-Clak Amru	"	"	25.97	12-12-27	-1,07,866	-5.59	5.48	
27	Lyallpur-Jaranwala	"	"	20.75	3-12-27	-1,09,703	-5.86	6.33	
28	Rohtak-Gohana-Panipat	"	"	44.01	15-5-28	-2,61,898	-8.84		§Includes Rs. 4,00,000 guaranteed by the Punjab Government against loss.
29	Shahdara-Narowal	"	"	48.33	21-12-26	(a) 1,00,174	2.79	4.84†	The line was considered unremunerative but the District Board of South Arcot who were interested in it, have expressed their willingness to guarantee the Government of India against loss, if any, arising out of the construction and working of the line.
30	Kangra Valley	"	2' 6"	103.00	1-4-29	(a) 5,49,979	-1.57	5.50§	
31	Cuttalore-Vridhachalam	S. I.	3' 3½"	35.59	21-6-28	(a) 18,840	0.72*		

* Excluding the earnings of the existing lines from new traffic interchanged with the new railway.
 (a) The figures do not include payments of amounts on account of guarantee payable by Local Government or District Board.

Statement showing net earnings during the financial year 1930-31 of new lines opened after 1st October 1927, throughout for traffic for a full year —contd.

Serial No.	Name of project.	Working Railway.	Gauge.	Mileage	Date of opening.	Net income creditable to the project for 1930-31.	Percentage return of income (column 7 on capital outlay).	Estimated percentage return of income on capital outlay some years after opening as estimated originally.	Remarks.
1	2	3	4	5	6	7	8	9	10
32	Dindigul-Pollachi	S. I.	3' 3"	75.10	19.11.28	Rs. 6,28,287	7.97*	9.44	†The estimated percentage return took into account a maximum payment of Rs. 41,000 to be made good by the Madras Government against loss.
33	Madura-Bodinakanur	"	"	55.94	20.11.28	3,47,483	6.50*	8.73	
34	Salem-Mettur Dam	"	5' 6"	23.20	15.4.29.	(a) 84,468	6.53*	4.75†	
35	Shoranoor-Nilambur	"	"	41.35	26.10.27	—1,25,387	—1.55*	4.00†	†The estimated percentage return took into account a maximum payment of Rs. 1,39,000 guaranteed by the Madras Government against loss.
36	Villupuram-Trichinopoly	"	3' 3"	109.00	1.2.29	10,90,513	5.50*	6.50	

* Excluding the earnings of the existing lines from new traffic interchanged with the new railway.
(a) The figures do not include payments of amounts on account of guarantee payable by Local Government or District Board.

NUMBER OF CONVICTIONS UNDER THE ORDINANCES IN CONNECTION WITH THE CIVIL DISOBEDIENCE MOVEMENT.

The Honourable Sir James Crerar (Home Member): I lay on the table a statement which gives the information promised in reply to part (a) of starred question No. 102 asked by Rai Bahadur Sukhraj Rai on the 3rd February 1932, regarding the number of persons convicted under the Ordinances in connection with the civil disobedience movement.

Statement of convictions up to the end of January 1932 under the Ordinances in connection with the present civil disobedience movement.

Province.	Number.	Remarks.
Madras	273	Approximate figures up to 27th January.
Bombay	600	
Bengal	814	
United Provinces	1,321	
Punjab	115	
Burma	Nil.	
Bihar and Orissa	495	
Central Provinces	138	
Assam	16	
North-West Frontier Province	16	
Delhi	38	
Coorg	Nil.	
Ajmer-Merwara	Nil.	
Total	3,826	

ALLEGED RESTRICTIONS ON THE PRESS IN BENGAL.

The Honourable Sir James Crerar: I lay on the table a complete reply to Mr. S. C. Mitra's starred question No. 562 regarding alleged restrictions on the Press in Bengal.

(a) (i) I understand that some Local Governments have warned newspapers that the publication of matter intended or likely to further the civil disobedience movement might expose them to penalties. It is not unlikely that some difference in treatment arises from difference in local conditions.

(ii) I do not know whether Pundit Malaviya's letter was published in the newspapers of all provinces; so far as Bengal is concerned extracts from the letter appeared in most of the papers.

(iii) It is not correct that any restrictions are placed on such reports in Bengal.

(iv) In Bengal, newspapers have been warned to be careful in regard to the publication of statements by accused persons aiming directly at the furtherance of the civil disobedience or terrorist movements.

(v) I have no reason to believe that this is the case. The only instance of excision from such reports in Bengal was a dozen words in one sentence contained in a telegram.

(vi) A letter from these two bodies addressed to the Governor of Bengal was withheld from publication as the local Government considered that it was obviously intended to be used as propaganda for the civil disobedience movement.

(b) The action of Local Governments in different provinces must to a certain extent be dictated by local circumstances. I have not yet seen anything which renders the issue of general instructions necessary or desirable.

SIKH REPRESENTATION IN REGARD TO RETRENCHMENT IN THE ARMY AUDIT OFFICE.

Reply to starred question No. 740.

The Honourable Sir George Schuster: Yes. A representation was received from the President, Shri Gurusingh Sabha, Lyallpur. No action was necessary on this representation, as under the instructions issued by the Government of India in connection with the retrenchment of personnel, no member of the Sikh community became liable to discharge from these establishments.

DISPOSAL OF INCOME-TAX APPLICATIONS IN SIND.

Information promised in reply to starred question No. 652 asked by Mr. Lalchand Navalrai on the 7th March, 1932 regarding the number of cases in which application for reference to High Court under Section 66 (2) of the Indian Income-tax Act were refused in the Income-tax Department, Sind.

The Honourable Sir George Schuster: I regret that I cannot undertake to supply the information asked for by the Honourable Member. Separate figures are not available for Sind and, while the number of Sind cases must be very trifling, their extraction from the records of the whole Presidency would involve searching through hundreds and hundreds of revision petitions. With staff reduced by retrenchment this would be an impossible task. I will only add that the latter part of the Honourable Member's question seems to involve a misconception. No application for a reference to the High Court can have been rejected on the ground that the court of the Judicial Commissioner, Sind, was not a High Court within the meaning of Section 66 of the Act. The Commissioner of Income-tax has never held the view that there was no High Court to which assesses in Sind could claim a reference, and consequently if he had held that the court of the Judicial Commissioner, Sind, was not a High Court, it would have followed that an assessee in Sind could claim a reference to the High Court of Bombay.

RETURN OF FEES DEPOSITED BY APPLICANTS UNDER THE INDIAN INCOME-TAX ACT.

Information promised in reply to starred question No. 656 asked by Mr. Lalchand Navalrai on the 7th March, 1932, regarding refund of fees deposited under Section 66 (2) of the Indian Income-tax Act, 1922.

The Honourable Sir George Schuster: (a) The Honourable Member's question as worded appears to betray a misconception of the position. The refund of fees paid under Section 66 (2) of the Indian Income-tax Act, 1922, is governed by the proviso to that Section and not by the intentions of the Government of India. Under that section a fee can only be refunded if the applicant withdraws his application after the Commissioner has decided the question of law raised in the application and not otherwise. The fee cannot legally be refunded when an applicant withdraws his application simply because the Commissioner of Income-tax has declined to make a reference to the High Court. If however the intention of the Honourable Member's question was to ascertain whether Government have any intention of getting the present law altered I may inform him that we propose, when a suitable opportunity arises, to introduce a Bill to amend *inter alia* the proviso to section 66 (2) so as to entitle an assessee to the refund of the fee, that he has to pay with his application for a reference to the High Court, if the application is rejected on the ground that no point of law arises.

(b) This is no doubt a fact, and the procedure of the Commissioner of Income-tax was in accordance with the law.

(c) I regret that I cannot undertake to collect the information asked for.

(d) No, because, as already explained, the action of the Commissioner of Income-tax, Bombay, was in accordance with the law.

THE HINDU MARRIAGES DISSOLUTION BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PUBLIC PETITIONS.

Mr. Arthur Moore: Sir, I present the Report of the Committee on Petitions on certain petitions relating to the Hindu Marriages Dissolution Bill.

THE HINDU UNTOUCHABLE CASTES (REMOVAL OF DISABILITIES) BILL.

PRESENTATION OF THE REPORT OF THE COMMITTEE ON PUBLIC PETITIONS.

Mr. Arthur Moore: Sir, I present the Report of the Committee on Petitions on certain petitions relating to the Hindu Untouchable Castes (Removal of Disabilities) Bill.

ELECTION OF MEMBERS TO THE STANDING FINANCE COMMITTEE.

Mr. President: Honourable Members will now proceed to elect Members 12 Noon. not exceeding fourteen in number to the Standing Finance Committee for the financial year 1932-33. There are 23 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.)

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON EMIGRATION.

Mr. President: Honourable Members will now proceed to elect eight non-official Members to sit on the Standing Committee on Emigration. There are nine 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 ANCIENT MONUMENTS PRESERVATION (AMENDMENT) BILL.

Sir Frank Noyce (Secretary, Department of Education, Health and Lands): Sir, I move that Sir Cowasji Jehangir be appointed to the Select Committee on the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes.

The motion was adopted.

THE INDIAN MEDICAL COUNCIL BILL.

Sir Frank Noyce (Secretary, Department of Education, Health and Lands): Sir, I move for leave to introduce a Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian

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Medical Register. The objects of this Bill are so clearly set forth in the Statement of Objects and Reasons and also in the very detailed notes on the clauses, which I venture to commend to the special consideration of this House, that it is unnecessary for me to say more at this stage than that this measure is one which has undoubtedly aroused a great deal of interest and some controversy. I am certain that much of that controversy is based on a misconception of its exact aim and scope and I trust that in the course of the debates on the Bill, it will be possible to remove it. Sir, I move.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): "May I ask the Honourable the Mover one thing? I do not propose to go into the explanations"

Mr. President: This is not the stage for doing so.

Mr. C. C. Biswas: I should like to ask how far Government had given effect to the recommendations of the Conference which was held at Simla in 1930. I believe a conference was summoned by Government in Simla in 1930

Mr. President (The Honourable Sir Ibrahim Rahimtoola): This is the introduction stage; the discussion will take place in due course when the Bill comes up for consideration or for reference to Select Committee.

The question is:

"That leave be granted to introduce a Bill to establish a Medical Council in India and to provide for the maintenance of a British Indian Medical Register."

The motion was adopted.

Sir Frank Noyce: Sir, I introduce the Bill.

THE SALT ADDITIONAL IMPORT DUTY (EXTENDING) BILL.

The Honourable Sir George Schuster (Finance Member): Sir, I move that the Bill to extend the operation of the Salt (Additional Import Duty) Act, 1931, be taken into consideration.

Those Honourable Members who have had time to study the second Report of the Salt Industry Committee of this Assembly will, I think, find no difficulty in understanding the course of action which we are putting before the House in this Bill, but it would be as well if I recall very shortly what are the salient facts in the position. The House will recollect that as a result of a continuous expression of public opinion, the Government decided to appoint a Tariff Board Inquiry into the salt industry with a view to seeing whether India could be made self-supporting as regards the production of salt. The Tariff Board reported that that object could be achieved. What was required for that purpose was that Indian sources should be developed for the supply of about 500,000 tons of fine white crushed salt which had hitherto been imported from foreign sources into Calcutta. The Tariff Board recommended that in order to ensure the development of Indian industry, what was above

all things required was the assurance of stability of prices at a fair level, and they further reported that if stability could be assured at what they considered to be a fair level, which was Rs. 66 a hundred maunds on ship at Calcutta, if that price could be secured over a period of years, in the long run the consumer would be better off than he had been in the past. The Board in order to achieve their object recommended that the Government should step in and control all supplies of imported salt and eventually should set up a non-Governmental Marketing Board. Government felt some difficulty accepting that proposal because they realised that there would be very great practical difficulties in putting it into operation, and as in the whole matter our attitude had been one of endeavouring to meet the wishes of this Assembly, we adopted the somewhat unusual course of proposing that a Committee of this Assembly composed of non-official Members should study the Tariff Board's Report and recommend how best the objects which we and the Tariff Board were aiming at could be put into operation. The Committee recommended a much simpler scheme. They felt that, at any rate to start with, the most practical way of achieving the desired object was to impose a special import duty on a foreign salt, a duty so fixed that, taking the current market price, those producers who would be protected by the duty could rely on what the Tariff Board regarded as a fair selling price, that is to say Rs. 66 a hundred maunds. Therefore, in order to secure that, they recommended an import duty of $4\frac{1}{2}$ annas per maund. But that was not the whole of their recommendation, and I want to put to the House that this must not be regarded as an ordinary scheme of protection. There was a special feature in the plan. Coupled with the protection given by the import duty to Indian sources of supply was a provision that the Government should have the right to buy the whole production of those sources that got the advantage of that protection at the Tariff Board's fair selling price of Rs. 66 a hundred maunds. Therefore, the result would be that on the one hand in the absence of foreign competition at levels which had hitherto not been attained, in the absence of foreign competition which would have pushed the basic price down below the average that had been prevailing for the last year, those producers could rely on getting Rs. 66 a hundred maunds, but if they tried to put prices up above that and to profiteer at the expense of the consumer, the Government could come in and take over the whole supplies at that level. The House approved of those proposals and passed the Salt Import Duty Act last year to take effect only for one year so that we might have the opportunity of seeing how it worked in practice.

We can now review the results of the past twelve months, and I think we may claim that the scheme has been entirely successful in achieving its object. First as regards price, the immediate result of the imposition of the duty was to put up the price of that quality of imported salt at Calcutta from the prevailing level of about Rs. 40 a hundred maunds to Rs. 62 a hundred maunds. It stayed at Rs. 62 for a short period, and then it gradually crept up to Rs. 66, a level which it reached in October, where it has remained steady ever since. We can, therefore, say that we have achieved the result of stabilising the prices for that quality of salt at what the Tariff Board regarded as a fair selling price, and that thus far the object has been achieved. On the other hand, results show that the object of encouraging Indian

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producers has also been achieved to a very remarkable extent. I can give the House some figures. In the first nine months of the current financial year, compared with the corresponding period in the previous year, clearances of foreign salt for consumption in the Bengal ports of Calcutta and Chittagong fell from 80 lakhs of maunds to 24 lakhs of maunds, while clearances of Indian salt,—and Indian salt for this purpose includes Aden salt,—rose from under 41 lakhs of maunds to just under 80 lakhs of maunds, that is to say, Indian salt production doubled while foreign salt clearances fell to a little over a quarter of what they had been for the same period in the preceding year.

I want now to turn to what is perhaps the most difficult feature in the situation, and in order to do so, I will further analyse the figures for the imports of Indian salt. Indian salt, as I just explained to the House, includes for the present purposes salt produced at Aden, and the House will recollect that the Tariff Board recommended that Aden should be treated as part of India for this purpose. Now, if we analyse the total clearances of 79½ lakhs of maunds at the Bengal ports for the first nine months of the current financial year, we find that out of those 79½ lakhs of maunds, 65½ lakhs of maunds came from Aden, and that the Aden production went up last year as compared with the preceding year from 32½ lakhs to 65½ lakhs of maunds, that is to say, it more than doubled, while the production from other Indian sources from Karachi, Bombay, Tuticorin, Okha and Navalakhi went up from 8½ lakhs of maunds to just over 14 lakhs, that is to say, Aden salt more than doubled, it went up by over a hundred per cent. while other Indian sources increased by about 75 per cent. Those are the results of the working for the past year, and the question now is what we ought to do. In accordance with the recommendation of the Assembly Committee on salt, the Committee remained in existence, and the Government referred the whole matter to them when they were able to prepare the Report on the working of the first nine months. The first thing that the Salt Committee had to do was to consider whether the time had come to alter the general plan, that is to say, whether the Government could now consider setting up a Marketing Board on the lines recommended by the Tariff Board. We had in the meanwhile consulted Provincial Governments on that question, and they were all very much against it. They saw very great difficulties in operating it and regarded the advantages to be obtained as not worth the risks. The Assembly Committee were impressed by these opinions and decided that the time had not yet come to adopt the Tariff Board's Marketing Board scheme. We therefore fell back on the idea of continuing the present scheme of *quasi*-protection. The Committee fully recognised that, if the objects of a scheme of that kind were to be achieved, some security must be given to producers. They can hardly be expected to develop their business unless they can look forward to the future with a certain amount of assurance. It would therefore have been the desire of the Committee, on the results of the year's experience, to recommend the adoption of a scheme for a period of years which would have given the producers that measure of assurance which they desired; but on the other hand, the Committee felt that they were faced with a very great practical difficulty. And the practical difficulty is this. From the figures which I have given, it is quite clear that the producers who have been

mainly benefited are the Aden producers, and the Committee felt, and we in the Government felt also, that there was a considerable danger that, if this scheme went on in its present form, Aden production might expand to such an extent that the sources of production on the mainland of India might be crushed out of existence. That I put to the House would be a result which is precisely contrary to what Honourable Members here intended, and precisely contrary to the recommendations of the Tariff Board. The Tariff Board, if I might put their recommendations in a brief and summary fashion, took the following line, that if we were considering the interests of India, salt production could be divided into three classes. The class of production which would be of the greatest benefit to India would be production from inland sources of supply. That would, first of all, give a fairly substantial measure of employment to labour; it would give substantial freights to Government railways; and above all, it would give India a source of supply on which she could rely in case of war. I would remind the House that one of the reasons why Indian opinion came to feel so strongly about making India self-supporting as regards salt was the difficulty of obtaining supplies during the last Great War. For that purpose, obviously you would have to develop inland sources of supply. The Tariff Board then considered what were the advantages of developing the sources on the sea-coast of India, and they came to the conclusion that, although it might be of some benefit to India, from the economic point of view the benefit was not very great. There would not be very much employment for labour, and as regards security in time of war, as salt from Karachi or Okha has to be brought round to Calcutta by sea, the risk of interference with that trade would be almost as great as the risk of imports from the Red Sea ports. The Committee of the Legislative Assembly also felt the same about that, but they did point out that as regards those sources on the sea-coast of India, there was at least this advantage that, although transport by rail might not be the most economical method of bringing salt from Karachi to Calcutta, still it would be possible, and therefore in time of war those sources of supply would have some advantage over the Red Sea ports.

That, then, is the second class of Indian production, and under the third class the Tariff Board and we on the Assembly Committee would have put Aden. Aden in a sense represents India. Indian interests have developed to a large extent the salt production of Aden, and the Government of India derive income-tax from the profits of Aden producers. But looking at it from a broad point of view, it cannot be said that the advantages of developing Aden production are quite as great to India as the advantages of developing the sources of production on the mainland of India. That is the way in which we looked at the matter, and we naturally then came to the conclusion that, if the result of the scheme was to develop Aden at the expense of the sources of supply on the mainland of India, that would be failing to achieve the objects which we understood the House would have approved. Having arrived at that conclusion, it is not at all easy to see how best effect can be given to it. On the one hand we must, and I am sure all Members of the House will agree with me in this—we must be fair to Aden. Aden is part of India, and as I have reminded the House, there are Indian interests and taxpayers to the Indian exchequer there. We must be fair to Aden not only because they belong to India, but also because they have helped

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us considerably in the past year by developing their sources of production to achieve the object which we had in mind. But looking to the future, supposing—let me put it in this way—supposing the total production which we require is 500,000 tons, and supposing the Indian sources of supply on the mainland of India are capable of being developed to the extent of 300,000 tons per annum, we could not allow Aden to secure a position in which they would take, say 450,000 out of the 500,000 tons for which there is a market. Looking at the matter in that way, we on the Committee felt that we might eventually have to come to some scheme for allotting quotas to the various sources of Indian supply. They might then work on the assured basis of an allotted quota and with an assured selling figure. That we feel is the line which has got to be examined in the future, but that, again, is obviously not an easy line to examine, because in the present period when the sources of supply on the mainland of India are still in their infancy, and when Aden is fully developed, Aden obviously can get a bigger share than she ought to get in 5 or 10 years' time, and therefore the quotas will have to be varying quotas. Aden would have to have a steadily declining quota as the sources on the mainland of India developed. In all these circumstances, we thought that the best plan would be to recommend an extension of the Act putting an import duty on foreign salt—to recommend its extension for one year and to put it to the House that during that year we in the Government would call a conference of producers and endeavour to arrive at a fair, reasonable and practicable arrangement. We feel it much better to be frank with these producers, to tell them exactly what the position is and to ask for their co-operation in working together for the object which the Indian Legislature will support. We believe in that way, although doubtless Aden would not get all that they might ask for—in that way it would be possible to devise a scheme which will put Aden in a reasonable position and secure the co-operation of the Aden producers during the intervening period when we need their supplies because the supplies on the mainland of India will not be fully developed.

That, Sir, I think sufficiently clearly puts the position before the House. There is only one other point to which I would refer in conclusion. Our attention on the Salt Committee was called to the fact that certain of the factors on which the Tariff Board had based their estimate of what was a fair selling price, had materially changed in the last 18 months. The freight from Aden, for example, we were informed, had dropped something like Rs. 10 per hundred maunds. Some of the members of the Committee therefore felt that the time had come to revise that price of Rs. 66 per hundred maunds. They felt that Aden was getting too big an advantage out of the present arrangement. But after full discussion the general feeling on the Committee was that it was too early yet to attempt to revise that price. After all in cases of this kind where Tariff Board inquiries are set up, one has to rely on the findings of that Board. They go into the matter very carefully, and although we know that certain factors must fluctuate from year to year, if we are trying to carry out a policy of this kind, I would put it to the House that it is impossible to attempt to follow up all those factors from year to year and vary the price too frequently. Therefore we recommended to the House that this matter should be studied together with the other matter

which I have mentioned in the coming twelve months but for the present that we should make no change in the level of the import duty. Sir, I move.

Mr. B. Das (Orissa Division: Non-Muhammadian): This is the first occasion on which I not only bless a Bill which has been introduced by the Honourable the Finance Member, but entirely endorse every word that he has spoken. It is seldom that we agree with the Treasury Benches, but this is one of those supremely felicitous occasions when the Finance Member has understood the spirit in the country and has agreed to protect the salt industry. Sir, in some future years if I am to write the history of different Finance Members, when I write of the period of Sir George Schuster, I will say that he conferred one great benefit on India and that was to protect the salt industry of India. He has tried his level best to make India self-supporting as regards her salt production. We have heard from previous Finance Members that it was a sentiment with us to demand the protection of salt, and also to ask for a differential duty on foreign salts, so that India could be again self-supporting as regards her salt requirements. The present Finance Member agreed with that demand of this side of the House and introduced a measure last year when protection was given to the salt industry for one year. This measure again has been brought before us asking this House to continue the protection for another year. Now the proviso contained in paragraph 4 of the second report of the Assembly Salt Committee is this—that the protection is to be assured for an adequate period. So it means that by agreeing for the second year to protection for the salt industry, we agree to protection of the salt industry for an adequate period, so that India shall be self-supporting in its requirement of salt.

Sir, I must point out, as I have pointed out in the past, whenever the country demands protection, a certain set of exploiters, known as Managing Agents, who are themselves not capitalists but who exploit the capitalists' money and the investors' money, bring up certain representations to the Government which are contrary to the policy of all schemes of protection. I was surprised that the Indian Salt Association of Bombay should have the cheek to ask the Government to abandon the contemplated development of salt from inland sources. There are half a dozen manufacturers in Aden and in Bombay and these people in order to make money for themselves want that there should be no salt manufacture in Orissa, Madras, Bengal or from the Central sources in Khewra and Sambhar, and which was an essential part of the recommendation of the Tariff Board. If there are any representatives of those capitalists on the Bombay side in this House, I ask them to particularly read this representation which has been circulated to every Member of the House and also circulated to members of the Salt Committee through the Government. It is these people who, with their inordinate zeal to exploit, want to exploit the masses of the country, so that they may get higher dividends. I found this particular memoranda of the Indian Salt Manufacturers' Association had been signed by Mr. Kapilram Vakil, Honourary Secretary of the Salt Association. I cannot understand how the Committee of that Association has subscribed to this principle. The same representation has come from the Karachi salt manufacturers. They also say that the contemplated development of inland sources be abandoned. Once or twice I

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have stated on the floor of the House that the greed of the Bombay capitalists is beyond all limit; it is boundless; and these men in Okha, Karachi and Bombay want to supply the whole of India and make all the money they can and the Honourable the Finance Member has already narrated what would happen in case of war and how a salt famine would occur. Everybody knows the high railway freights on salt from Karachi to Bengal, and in time of war one cannon shot will put all the salt carried on steamships into the bottom of the sea. I particularly refer to this, so that my Honourable friend Mr. Mody will take note of it. My friend Mr. Mody knows that the interest of all parts of India is the same, that India wants to be self-supporting, that Indian industries should be supported, and protected, but when one becomes a bloated capitalist, one forgets all the decencies of life and makes such statements that no civilised human being can make and the Bombay Salt Association has made it. (Interruption by Mr. Mody.)

When I make these observations, I want to give a warning not only to the salt producers in Bombay and Aden, but also to all those future industries and industrialists who want to come before this House for protection. Sir, let them not think of themselves: let them think of the country as a whole.

Sir, my Honourable friend, the Finance Member, pointed out that Aden, under the Sea-customs Act, is not a part of India, but for all administrative purposes it is part of India. Sir, in the Select Committee it came as a surprise to most of us to discover that Aden is not part of India and that it is a free port, and naturally we began to wonder whether it would be wise to give protection to certain industries operating there, with the result that they might prove strong rivals to salt production from indigenous sources, such as the Government sources in Khewra, Bengal, Orissa and Madras and also private sources. Therefore the recommendation as the Honourable the Finance Member read it out, was made that there should be a salt quota, and that the Aden quota of salt for Indian consumption should be restricted. Personally I entirely agree with that. I think India cannot at present manufacture all the salt that will be required, but in five or six years, if the Government of India themselves become active and develop their salt sources in Khewra in Rajputana and apply pressure and force on the Provincial Governments to develop their internal sources of salt, then India will not have to remain indebted to Aden at all. Now, what are the sources of supply at Aden? The largest source of supply is an Italian company, and that company has no Indian directors. I do not know if it even pays proper income-tax to the Government of India. Sir, in para. 14 of the second report we have recommended this:

"Finally, it should be stated that some of our members are very anxious that in view of the great benefits received by the Aden manufacturers from the policy adopted last year, steps should be taken by the Aden Salt Works on the lines indicated in paragraph 103 of the Tariff Board Report to have the concern transferred to a rupee company with a suitable proportion of Indian directors. We understand that the Government will communicate to the proprietors this expression of opinion."

Sir, of course this was a unanimous report which some of us did not like; I find my friend Mr. Morgan afterwards wrote a minute of dissent; but I did not like that this pious communication from the Government of India should only be addressed to the proprietors of that particular firm.

It is time the Government should legislate so that it can compel alien firms like this Italian firm, who are growing fat at India's cost, to convert their concerns into rupee capital concerns and to take in a sufficient number of Indian directors. Not only that, Sir, but Government should I think see that such business houses do not evade all the income and other taxes that any other firm manufacturing in India is liable for. How this can be managed it is for the Government to devise. During the last 4 or 5 years when protective measures have been discussed, this side of the House has every time insisted on the Government that it was high time that they should legislate so that this recommendation contained in paragraph 14 should become operative by legislative enactment.

Sir, when last year this House gave sanction to the protection of the salt industry for one year, the Honourable the Finance Member brought forward a Resolution whereby one-eighth of the funds collected by the additional import duty should go to the Government of India for the purpose of developing the Central Government's salt sources, the remaining money being distributed on a consumption basis to the provinces that were importing foreign salt, and a Resolution was passed which recommended that those provinces should spend that money for the purpose of developing their salt sources. This Resolution was moved on the 1st April 1931. None of us thought when the Honourable the Finance Member moved the Resolution that it would be regarded by the Provincial Governments as a mere recommendation. Sir, we know that when we non-officials pass a Resolution, it has the force of a recommendation only to the Government of India and does not become binding. But at that time, none of us foresaw that there was a loophole whereby a Resolution moved by the Government of India themselves through the Honourable the Finance Member would not become binding on the Provincial Governments. What do we find? We find in the Report by the Central Board of Revenue on the working of the additional import duty on salt, on page 7, para. 27, a summary of the action taken by the Provincial Governments which runs thus:

"In its Resolution dated 1st April 1931 the Legislative Assembly suggested"

—Sir, we thought at the time that the Government Resolution gave a mandate or rather an order to the Provincial Governments how to spend that money, but from the Report as it comes from the Central Board of Revenue we find that its tone has gone down, that it was "suggested"—

"that the attention of the Local Government receiving a portion of the above duty should be drawn to the desirability of applying this revenue in part to the development of salt production where such development was economically feasible in any province. The matter has been referred to the Governments concerned. Up to date all Governments except that of Burma have replied. Bengal and Assam do not propose to devote attention to the object mentioned since there is no salt industry to develop, and no scheme that is economically feasible for the production of marketable salt in Bengal has been produced."

Sir, I am not here standing as a champion of Bengal. When my friend, Mr. S. C. Mitra, and my friend, Mr. K. C. Neogy, rise, they will say how this reply of the Bengal Government is absolutely false. Sir, there was a time when Bengal was manufacturing all its salt requirements and producing its own salt. A reference to the Assembly debates in the past will show that Mr. Neogy, Mr. Mitra and others have brought out the true facts of the situation, how since the import of Cheshire salt in 1823

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and thereafter, Bengal salt sources in Hijli, the Sunderbans and Chittagong were all restricted in their system of manufacture and were allowed to die a natural death. Sir, the Government of Bengal's primary function is to develop these industrial concerns, but they write point blank that "No scheme that is economically feasible for the production of marketable salt has been produced". Sir, I have seen reports saying that the Bay of Bengal gets too much fresh water through the Ganges and her estuaries so the sea-water has become less saline. (Laughter.) I do not know that during the last 150 years the climatic condition of India has changed and that the Bay of Bengal has become less saline. How is it that it was not less saline in 1823 and before, when salt was manufactured by the Government of Bengal and the Government of India up to 1853 in Hijli and also in Orissa? I will come to the case of my own province, Orissa, later on:

"The amount due to Madras is negligible. The Government of the United Provinces agree to apply their share to development of salt production in that province and are considering measures of development, the cost of which must be strictly limited to their share of the yield as it is impossible to allow any part of the cost to go against ordinary provincial resources."

Sir, I take my hat off to the United Provinces:

"The Bombay Government are still making enquiries as to the necessity and feasibility of economically developing salt production in the Presidency, while the Bihar and Orissa have deferred the formulation of proposals till Mr. Pitt's recommendations on the potentialities of Orissa are known to them and Mr. Pitt has communicated his views on two applications received for manufacture of salt on the Orissa coast, which they have referred to him."

Sir, I take my hat off also to the Government of Bihar and Orissa. That brings me, Sir, to the report of Mr. Pitt. Mr. Pitt assisted Sir Chunilal Mehta and was a member of the Salt Survey Committee which went into the sources of salt of the Government of India in Rajputana and the Punjab. The first Assembly Salt Committee recommended that the Government of India should inquire into the sources of salt production in Bengal and Orissa before they issued their second report. So, Mr. Pitt, the General Manager of Khewra, was deputed by the Government of India to inquire into those aspects. I am sorry the report has not yet been placed in our hands. We are given to understand that the Press is too busy with the printing of Assembly Debates, and so the Central Board of Revenue has not yet been able to get the book printed. However, we were supplied with a summary; it was supplied to us on the 18th February last. I cannot understand why the Government of India have not been able to publish the book so far. Anyway, Mr. Pitt's recommendations regarding salt manufacture in Orissa and Bengal are very outspoken. Mr. Pitt suggests experimental farms at two places in Orissa, and I hope the Government of India will draw the attention of the Government of Bihar and Orissa to this and insist that they will start these experimental farms and give any surplus money that they may have in their hands to other private manufacturers for the development of other salt sources. Incidentally, I may ask the Honourable the Finance Member whether he is thinking of again bringing forward a similar Resolution before the House like the one he moved last year, because this protective measure is no more a temporary additional duty, but it is now a permanent fixture of the Government revenues. If the money so funded is specifically earmarked

for distribution to the provinces for the development of salt sources, I would suggest to the Honourable the Finance Member to bring forward in his Resolution this year definite recommendations—not in that milk and water way but in a more definite manner,—because, I maintain, that no Provincial Government has a right to spend any money that is derived from the Central revenues in any manner it likes. The first Assembly Salt Committee recommended that this money could only be disposed of by Provincial Governments towards the development of salt sources. What right therefore have the Bengal and Assam Government to say that they have no funds and therefore they must spend the amount as they like because they have gone bankrupt and they must spend it to meet their deficit Budgets? They should not do that. If a Provincial Government cannot spend the money to develop the salt sources, let the money come back to the Central Government and the Central Government can spend that money for the development of their salt sources at Khewra, Sambhar and other places. I hope my Honourable friend, the Finance Member, will bring forward such a Resolution and the House will give it its entire sanction.

Sir, I welcome the idea of the conference of Indian salt manufacturers, but I do hope that the Honourable the Finance Member or the representatives of the Central Board of Revenue, when they meet these Indian salt producers in Simla, will make it clear to the manufacturers that the Government will lay down definitely, for a period of five years, as to what will be their quota on a territorial basis. It is no use their raising false hopes in the beginning and then coming to the Government of India for a larger quota, or for a greater period of protection. And I hope also that the Honourable the Finance Member will consult these people as to what is the exact period that they think will be adequate for which the additional salt duty should be imposed.

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. President in the Chair.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muham-madan Rural): Sir, the Honourable Sir George Schuster in a very lucid speech discussed all the points that were raised in the Report of the Salt Committee, and my Honourable friend Mr. B. Das discussed the other two extraneous points that were left out for discussion. Yet I rise to speak on this Bill, because I know there is a very strong feeling in Bengal as regards this import duty on salt. As a matter of fact, the Bengal Legislative Council once during this session and once last year passed Resolutions opposing the additional import duty on salt. I can very well realise their point of view, because the people in Bengal think that salt being one of the primary necessities of life, and also being an item in the category of inelastic demands, even the poorest man cannot avoid paying

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this tax. It really preys very heavily on the poorest cultivator. That is the standpoint from which they all along raised their voices against any additional duty on salt. Yet when we support this additional duty, I think we owe it to the people of Bengal and the Bengal Legislative Council to explain our view point. If I had not been convinced that India could produce her own salt if sufficient protection were given for a few years, I would have been the last person to help in imposing this additional duty on salt. The Expert Committee, of which Sir Chunilal Mehta was the Chairman, says in page 11 of the Report:

"We think that there is no ground for assuming that, with imports from Aden, India cannot easily be made self-supporting in the matter of salt supply and that even the continent itself can when areas suitable for salt manufacture but at present lying idle are developed, supply all the crushed salt that Bengal needs."

That is the view of the Expert Committee. The Tariff Board itself in their Report came to the definite conclusion that it was not a distant ideal but within practical probabilities to make India self-sufficient in her salt manufacture. At page 30 of the Report, they say:

"It may be pointed out that our conclusion on the question of increasing the output of salt in India suitable for consumption in the Bengal market is materially different from that of the Central Board of Revenue as stated in their Report on the recommendations of the Taxation Committee. In paragraph 24 of the Report, the Central Board of Revenue arrived at the finding that it is impossible in the near future so to expand the output of salt in India as to render the country self-supporting. We have definitely rejected this finding for reasons which have already been explained. As regards Tuticorin we agree with the Central Board of Revenue that it offers little promise of development as a source of supply for the Bengal market."

Later on they say:

"Even if it were decided to exclude Aden, our conclusion would not be necessarily vitiated. There are indications that the extent to which the output of salt, especially in the Government sources in Northern India, could be expanded is greater than we have estimated and pending a fuller investigation of the possibilities of the Northern India sources, it appears to us hardly consistent with the public interest to accept a conclusion adverse to the claim of India to be self-supporting in the matter of its salt supply."

So it is clear that not only an expert committee like the Tariff Board but also the Salt Survey Committee was definitely of opinion that India may be self-supporting in the near future as regards her salt supply. As regards Bengal, my Honourable friend Mr. Das said that Bengal once produced her own salt and even taking a parochial view, we need not depend on other parts of India for our salt supply. As a matter of fact the Tariff Board said about the past history of salt manufactured in Bengal:

"Before the advent of British rule salt was manufactured in Bengal from sea water. The salinity of sea water along the coast of Bengal is much reduced by the admixture of fresh water from the Ganges, Brahmaputra and other rivers. The low salinity of the sea water of the Bay of Bengal and climatic conditions combined to make boiling the only possible process of manufacture in this part of the country. A system of monopoly was developed by the East Indian Company and survived till 1862. But by 1835 Cheshire salt began to find its way to Calcutta, where partly owing to its superior quality and cheapness and partly perhaps as a result of the direct encouragement of the East Indian Company its sale rapidly extended. In 1863 Government abandoned the monopoly, and local manufacture was permitted subject to an excise duty. Owing to the weakness of the brine supply, lack of fuel and other natural disadvantages, the cost of production of local salt far exceeded the selling price of imported salt and in 1898 local manufacture was entirely prohibited. Since that time, the Bengal salt market has been supplied almost entirely from foreign sources."

So the Report says that in earlier days Bengal had not to depend upon imported salt, but later on when they had a conflict with the interests of officers of the East India Company, they had to give up the local manufacture. Now, the main question in Bengal is that we could get salt at a much cheaper rate at present, if there had not been this import duty. As a matter of fact when we first imposed this duty last year, salt was selling at Rs. 35-0-0 per one hundred maunds. But the main contention of the Tariff Board, with which we all agree, was that though at that time the price was ruling at that particular rate, there was no certainty that within a few months the price would not have gone up again. We found that during the last three or four years the price was ranging from Rs. 70 to Rs. 130, generally above Rs. 100 on many occasions. It was also found that with keen competition from foreign manufacturers who had a reserve of more than one crore of rupees, they could easily wipe the Indian manufacturer out of competition, and then they could raise the price to any extent. So we found that even from our selfish interests it was better to have a stabilised price under which it would be possible for Indians in different provinces, and most likely also in Bengal, to manufacture their own salt, that would be really a cheap supply of salt permanently in India. That was the reasons why we, the representatives of Bengal, were not opposed to this imposition of fresh duty. But really it pained us very much when we found that when money that was set apart for Bengal to expend it in making experiments for the manufacture of salt at a cheaper cost, the Bengal Government absolutely refused to make even an experiment of it. Mr. Das read out from the Report of the Central Board of Revenue:

"It is clear that Bengal and Assam do not propose to devote it to the object mentioned since there is no salt industry to develop."

I do not know why they say that there is no salt industry to develop. As a matter of fact, even by that time, Mr. Pitt's report was not complete. I find that though Mr. Pitt is not very optimistic, yet in a summary he has said that an experiment might be made in some places. In item 42 he says:

"Samples of salt made locally in the Sundarbans and the Contai area show that salt of reasonable purity and cleanliness can be obtained by local manufacture."

Then in item 44 he says:

"An area of 100 acres may be assumed to be the minimum useful economic unit that could be utilised for an experimental work. Clearing jungle may cost from Rs. 30 to Rs. 60 per acre and a suitable furnace and boiler will cost probably about Rs. 10,000 to Rs. 15,000. A capital amount of about Rs. 25,000 will therefore be necessary to erecting one experimental factory."

As a matter of fact we also prefer these small factories where even the villagers, by putting all their small capital together, may try to produce their own salt.

Later on in item 49 he says:

"The areas in which an experiment of this kind might be carried out are Lothian Island in the Sundarbans, though there may be many areas more suitable in the Sundarban districts. A factory might be placed on the coast line near Chittagong and a suitable site appears to be at the junction of the Balasore and Cuttack districts about 20 miles south of Balasore itself."

I find that in paragraph 16 also he says:

"The evidence is not such as to justify optimism, and is barely sufficient to justify investigation on an experimental scale. But experiments may prove that manufacture at an economic rate to supply local demand is feasible."

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As a matter of fact we also demand that this salt should be manufactured at an economic rate for local supplies. We are not much in favour of large scale production alone, but if salt can be produced even on a cottage industry basis, that will help the unemployment question a great deal. In the report of the Salt Committee, we say in paragraph 11:

"Now that Mr. Pitt has made his report we must express a strong hope that the Governments of Bengal and Bihar and Orissa will in future find means to spend the money accruing to them on local salt development work."

So it has been put there in a way, but I agree with my Honourable friend, Mr. Das, that this portion of our recommendation should be stressed by the Government; and I hope that Government will take steps to see that this money, which is now obtained from the poorest people who consume salt, is spent for a purpose by which in future they can get salt at a cheaper rate. If that is not possible for the Bengal Government,—which I for one shall not concede,—then this money should be spent even by the Central Government for purposes of making salt cheaper in Bengal.

The only other point on which I have a slight difference with the Committee was about the Marketing Board. I do not say that it will be possible to have a Marketing Board to control the sale of salt, but what we suggested in our last report was to have some model shops. I do not know why some attempt should not be made to follow this. In page 6 of the report of the Central Board of Revenue they quote from the report of the Salt Industry Committee of the Legislative Assembly:

"The next step, therefore, is the investigation, in consultation with Local Governments, of the practicability of such control, including possibly such experimental measures as the opening of model shops selling salt of standard quality and at standardised prices in selected areas."

The reply is:

"The proposal was referred to the Local Governments which agreed in objecting to the retail control of salt prices as unnecessary."

The Local Governments would be correct if they say that there should not be any attempt to control the retail prices, but I think our recommendation was on a slightly different basis. What we suggested was to open model shops selling salt of standard quality and at standardised prices. Thus people in the villages would see that salt might be had at cheaper prices and then the middlemen could not raise the price of salt. It was the sad experience of many of us that, whatever may be the ruling price of salt at headquarters, these middlemen carry on things in such a way that the retail buyers actually pay a higher price than what the standardised price should be. So I still press on the attention of the Honourable the Finance Member that he will kindly see if that is possible because salt being a prime necessity of life, a slight rise in prices affects even the poorest people.

With these words, I support the Bill.

The Honourable Sir George Schuster: Sir, I feel that I need only reply on two points which have been mentioned in the speeches of my two Honourable friends who have just spoken. On one point they both agreed in laying emphasis, and that was that the Government of India should do all that they possibly could to persuade the Government of Bengal to

vote such money as they get from the proceeds of the Salt Import duty to the development of the sources of production in Bengal. I am quite willing to give my Honourable friends an assurance that we will take the matter up again with the Bengal Government and call their attention to what has been said in this debate and press upon them to do something in this direction. We cannot go beyond persuasion in this matter. So far as we can go by arts of persuasion we certainly will go. I would however point out to my Honourable friends that the amount of money which is likely to be available for this purpose is a good deal less than we originally supposed and that is because the results of our import duty have been much more immediately effective than we anticipated. The amount of duty collected now is being reduced almost to a negligible sum, because practically the whole of the salt which is being imported into Bengal is coming from Aden and from other Indian sources of supply. However, so far as anything can be done with the very much reduced sums available to the Bengal Government we will try to get them to do it.

Then, Sir, my Honourable friend who has just sat down referred to a recommendation in the first report of this Assembly's Salt Committee that something should be done on the lines of opening model shops so that we might thereby have some means of controlling the retail prices or at least giving an opportunity to retail consumers to buy at standard prices. It is true that we have not received much encouragement for this plan from the Local Governments, but I am inclined to agree with what my Honourable friend Mr. Mitra has said that the rejection by the Local Government of a scheme for a general Marketing Board does not necessarily convey with it any condemnation of the modified plan,—the rather small and unambitious plan,—of starting these model shops. I shall take up that question again and see if anything can be done on the lines of that suggestion. Apart from that, both my Honourable friends who have spoken have supported the principle of this Bill, and I trust their feeling is shared in all quarters of this House.

Mr. President: The question is:

"That the Bill to extend the operation of the Salt (Additional Import Duty) Act, 1931, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Mr. G. Morgan (Bengal: European): Mr. President, I move the amendment which stands in my name, which runs thus:

"That after clause 3 the following new clause be added:

4. In section 5 of the said Act,
Amendment of section 5,
Act XIV of 1931.

(a) to sub-section (1) the following words shall be added, namely:—

'except Aden, and shall not, save as hereinafter provided, be levied and collected on salt produced in Aden save to the extent of one anna six pies per maund.'

(b) to sub-section (4) the following words shall be added, namely:—

'In the case of Aden the price to be paid shall be fifty-four rupees five annas per hundred maunds'."

My object in moving this amendment is that when this Bill was brought up last year, we, who opposed the Bill, stated definitely that the people

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who would benefit most by the Bill imposing the additional duty, would be Aden, and that very little benefit would accrue to the indigenous suppliers of Indian salt. Now, you will have seen from the second report of the Salt Committee that that is exactly what has happened, and we have got into rather a mess. I distinctly say a mess, because it is so and I shall show you later on what the position is. In paragraph 14 of that report the following words occur:

“that in view of the great benefits received by Aden manufacturers from the policy adopted last year”.

This amendment which I have brought forward meets both my Honourable friends, Mr. Das, and Mr. S. C. Mitra. Mr. Das says that the foreign capitalists, by which I presume he means a certain firm in Aden and the Bombay capitalists, have no right to make the money they are making out of the consumer. Mr. Mitra is very anxious that Bengal should spend some money in the manufacture of salt in Bengal. I can tell him, and the Honourable the Finance Minister has just confirmed what I am going to say, that there will not be any money, or practically none; the money which has been collected up to date was mostly on cargoes which became subject to the additional duty after they had already left their export port and arrived in Calcutta or Chittagong after the duty had been imposed. That is not going to occur again. Bengal got something between 3 to 4 lakhs of rupees which they have not seen their way to spend on exploring the avenues of salt manufacture. That being so and as they will have practically no more money during the coming year from this additional salt duty, they will have no money to spend on the object which my Honourable friend, Mr. S. C. Mitra, is so anxious about, and also my friend, Mr. B. Das. They are both very anxious from the Bengal and Bihar and Orissa point of view that money should be spent on that particular object. I am not going into the question whether that is a feasible object or not; but there is no mistaking the fact that there will be no money for that object, and from that point of view it also affects the Government of India because they get one-eighth of anything that may be collected, and they have only that one-eighth to go on developing the vast resources of Khewra, Pachbhadra, Sambhar and to help other manufacturing centres. What I want to do is this. Aden undoubtedly has not only got great benefits, but has got greater benefits than were anticipated, from the additional duty—i.e., they have got a benefit of about 10 rupees per hundred maunds over and above the Tariff Board's figures: that is to say the selling price was fixed at Rs. 66 per 100 maunds, the average freight being fixed at 8 rupees per ton. Now it is all very well to say that we have to be very careful about rates of freight. I quite agree; but I have not been able to find out why the Tariff Board fixed the price at Rs. 8 a maund, unless it was that they took in one or two years of extraordinarily high freights during the war, which we never take in calculating averages. On the Tariff Board's own figures, at page 36 of their report, there was no reason why it should be put so high. Last year, when the additional duty was brought on, the rate was between Rs. 5-8-0 and Rs. 6—about Rs. 5-10-0 on an average. This Bill is only for one year, and I am perfectly certain my Honourable friend the Finance Minister will bear me out when I say that there is not much prospect of a rise in freights in the year which is coming—1932-33; and I think that

for that one year Aden might give us, and it will be giving back to Bengal, a very small moiety of what has been already taken out of Bengal, in order that we may have a little money to spend on this experimental manufacture of salt, and so satisfy my friends like Mr. Das and Mr. Mitra, that all is being done to see whether it is possible to manufacture salt in the Chilka Lake or in the Sundarbans. I know both places and I am not going to offer any opinion just now; when the reports and definite schemes come up, one may have something to say. But at the present moment, unless we have some money we simply cannot satisfy my Honourable friends by making a start or trial as to whether this manufacture is feasible or not.

The Bill last year was a very hasty piece of legislation; and it has landed us in a position which many of us anticipated. Stabilising of prices is a very simple matter, and although the Government may take credit for having done that, I do not think that there would have been any great difficulty in doing that in other ways. Therefore, Sir, I consider that if my amendment is accepted, it would merely mean that Aden would be returning to Bengal, and incidentally to the Government of India, that extra Rs. 10 a hundred maunds which the Tariff Board in their figures never anticipated they would be getting, and it is only for one year. The whole question of selling price has got to be investigated. Values have changed, standards have changed, and the world has changed, since the Tariff Board reported, and there is not the slightest doubt that Rs. 66 is not the proper figure now. If the Tariff Board were to report this year, Rs. 66 is not the figure they would fix as the fair selling price. Sir, in connection with this additional salt duty, it is a curious thing that stocks in Calcutta golas have run down, since the 15th of June to the 9th of March, from 38 and odd lakhs of maunds to 18 and odd lakhs of maunds, and in those figures common salt is very nearly a constant figure. It is something between 10 to 11 maximum and 8 to 9 minimum between those dates.

Now, there is another curious thing in connection with these figures. If you go back to June, you will find in stock in golas 6,43,000 of Port Said Fine Salt, and 2,30,000 of Massowa salt, both of which are salt suitable for the Bengal market. This month the only alteration in the figures is this, Port Said Salt 5,17,000 maunds, Massowa 2,11,000, so that they are practically unaltered, and today they represent, if you take off the common salt, 50 per cent. of the fine salt in golas, and we are down to a dangerous stock level of fine salt in Calcutta golas. I merely want to draw attention to this fact, because it may develop into a very serious position. Very often a good deal has been made of the fact that if you give Aden 16 annas, it gives back 2 annas, or whatever it may be in income-tax. That is quite true; but personally I would rather have the 16 annas. The Government of India may be very glad to have something in the shape of income-tax, because it is not going to get anything out of the salt as additional tax, but the balance of that money has got to come out of the purchasing power of Bengal. I know that the point is always put forward that the consumer is not affected to any appreciable extent, but that does not get away from the fact that with the tax and the extra amount paid for the salt from the time this additional duty was put on Bengal's contribution is something like 18 lakhs of rupees, and that has got to come out of the

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consumer, and it means that Bengal has paid out 18 lakhs more for purchasing her salt than she need have done had she been buying salt at Rs. 40 to Rs. 42 the rate before the duty was put on. And having got into this position, which is a most unfortunate one, but not unforeseen. I would impress upon the Government the desirability of calling the conference of producers as soon as possible, my reason being that I am not satisfied that the quota, although it is a very good idea, will work for the supplies of Bengal during the two years, leaving out this year. —I do not know what is going to happen this year,—I very much doubt whether with the possible quota some of the indigenous places in India will be able to supply the Bengal market with fine salt. I have noticed certain figures—I refer to common salt,—and these figures are rather disturbing, therefore I think that the conference of producers should be convened at the earliest possible opportunity and a definite arrangement come to as to how the Bengal market is going to be supplied with fine salt.

These remarks are slightly away from my amendment, Sir, but if Bengal and Bihar and Orissa are going to have a chance of investigating their own indigenous sources of salt manufacture, they are not going to get out of this salt tax as it stands at present anything to help their object, and therefore it is only fair that the Aden producers should return that Rs. 10 a hundred maunds which they are getting over and above what they should have got under the Tariff Board's figures, and so let the provinces have a little money with which to investigate the manufacture of salt in their own provinces. Sir, I move.

Mr. H. P. Mody (Bombay Millowners' Association: Indian Commerce):

3 P.M. Sir, my friend Mr. Morgan has made a very reasonable speech in support of a very unreasonable amendment. I listened to him very carefully, but I am afraid I was not able to deduce from his remarks one single good argument in favour of the amendment that he has thought fit to move in connection with this Bill. My friend's chief grievance seems to be that Aden would benefit principally from the extension of the Salt Act for another year. I would like to ask my friend, what if that is so? Supposing Aden were to benefit a little more than the Indian Salt Works, what does it matter? After all, Sir, Aden is still a part of India, in spite of the reactionary proposal to take it away from the jurisdiction of the Bombay Government; still for the time being at any rate Aden is part of India, and my friend knows very well that the Salt Works. . . .

Mr. G. Morgan: Might I just explain my point? My Honourable friend has told the House just half of what I stated. Aden is benefiting, and I repeat, it is benefiting, but at the expense of Bengal. That was the only reason for my amendment.

Mr. H. P. Mody: If my friend had only waited for a few seconds more, he would have seen that I was going to give him not merely the other half, but a little more than the half. I was going to say that of the concerns which are carrying on operations in Bengal, the majority are Indian. It is true that there is an Italian manufacturer who manufactures more than the quantity manufactured by any other single works, but taken all together, the Indian interests at Aden are very considerable, and I cannot understand my friend wanting to penalise those Indian interests.

My friend talked about the question of freights and the benefit which Aden was deriving from the fact that freights had gone down by something like Rs. 10 in the course of the year. But my friend knows that freight is a very variable quantity, and no one can forecast what is going to happen in the next 12 months, and it is just possible that the freight market, which is in a very demoralised condition at the present moment, may look up, and freights may move up. At the present moment there is no question that they are at a very uneconomic level. After all, the best answer has been provided by the Committee of the House which has put up a very admirable report, and by the speech which my Honourable friend the Finance Member made this morning. It is because of these various considerations—the question of freight, the question that Aden is exporting a considerable quantity of salt, and that Indian works are not looking up as fast as we would expect them to—it is because of all these considerations that it is proposed to extend the operation of the Act for only one year. As a matter of fact, I was thinking of moving an amendment for still further extending the operation of the Act, for the reason that, as the Honourable the Finance Member himself admitted this morning, the producers must have some sort of assurance that protection would continue if they were to expand and develop to their fullest capacity. But in view of the various considerations urged in the excellent report of the Salt Committee of the House and what the Finance Member has said, I do not think I can object to the proposed extension of just one year. The only thing which salt producers require is a categorical assurance that it is not intended, by putting a time limit of one year, to do away with protection at the end of that period, but that this is merely a stop gap arrangement for the purpose of exploring the various factors in the situation.

Sir, I should not have much to say to my Honourable friend if he had merely put his amendment on the ground that he was afraid that Aden would get away with a large part of the booty. But my Honourable friend went on to talk, though very guardedly, of the interests of the consumer, and that compels me to offer a few observations which I am afraid may not prove very palatable to him.

Of late, a great many philanthropists and protectors of the poor seem to have arisen in Bengal. (Laughter.) Only the other day a very intensive campaign was carried on by a section in Bengal with regard to the import duties on textiles, and the suggestion was put forward that the iniquitous and wholly indefensible excise duty should be re-imposed. It never occurred to the people who are talking like this, that for years when foreign countries were exploiting the consumer in India, his champions of to-day never raised their voices, never raised their little fingers, much in the same way, my Honourable friend comes forward here to-day, and talks of the interests of the consumer. May I ask him where he and his friends were when the consumer was being systematically exploited by foreign manufacturers of salt, who according to the Tariff Board's report did the consumer out of a crore of rupees in the space of 10 years? (Mr. S. C. Mitra: "3 years.") 3 years, I stand corrected. Might I also remind him that when Aden salt first came into this market in competition with foreign salt, the result was a drop by as much as Rs. 30 per 100 maunds in the space of a fortnight? What was that done for? That was done to squeeze out all competition, and if we take into consideration the limited capacity of the Indian and the unlimited resources of the foreign manufacturer—if you take that into consideration, and if you refuse to treat Aden on the same footing as you treat the Indian manufacturers of salt,

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what would happen would be that Aden's competitive capacity would be very greatly curtailed, and to the extent to which it was curtailed the foreign importer would have the benefit, and what happened years ago would happen once again, namely, that foreign manufacturers would squeeze out the infant salt industry in India after they had squeezed it out in Aden. Therefore, I am very sorry that my Honourable friend should have thought fit to place such an amendment before the House.

There are various aspects of this question, very controversial aspects, which I would not like to touch upon. I would like my Honourable friend to remember that there is such a question today before the country as that of commercial discrimination, and before he asks this House to discriminate against the Indian manufacturers of salt at Aden, which is part of the Indian Empire, he had better take into consideration the implications of his proposal on the larger issue now before the country. I hope that no section of this House will think fit to support the amendment of my Honourable friend.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): The House may well remember that last year I was one of the few who felt it their duty to raise their voices of protest against the imposition of the additional duty. I showed that the effect of the duty would be

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

I pointed out that the effect of the duty would be mainly to benefit the manufacturers at Aden at the expense of the Bengal consumer. When I was pleading for the Bengal consumer, I certainly was not doing so from the point of view from which some of my Honourable friends over there (referring to the European Benches) would do it. I can honestly claim that I did it solely in the interests of the consumer.

Rightly or wrongly, the Bengal consumer was paying a comparatively small price for the salt he was consuming and had been consuming for many years past. What was suggested last year was that in order to keep out foreign competition for the benefit of India—that is how it was put, Aden was included in India for that purpose—it was suggested that in order to keep out foreign competition and help forward Indian industry, it was necessary to put on an extra burden on the Bengal consumer, and that the Bengal consumer ought not to demur. That was a proposition to which I was not prepared on my part to accord my wholehearted assent, because I had my misgivings as to whether or not the ultimate benefit to the consumer would be secured. My fears then were—and the report that the Assembly Committee have now placed before the House bears it out—that the party who stood to benefit most from this new additional imposition would be the Bombay merchants alone who were carrying on the salt trade at Aden, as well as another concern there which was of Italian origin, and was Italian in its constitution all along the line. It was stated at that time that one ought not to grudge this additional boon to Aden, because Aden ought to be regarded as part of India. I rejoice to find that that position has been abandoned now, and that is why I have not hesitated to put my signature to the present report of the Assembly Committee. It has now been practically recognised that Aden was really out to establish a virtual monopoly of the Bengal market—that that which had been anticipated by some of us had come to pass. Sir, when the Honourable

the Finance Member this year came to examine the facts for himself, even he was impressed with the situation with which he was faced. If matters were left where they were, in other words if nothing more was done than to extend the period of the Act for a further term, then the last state of things would have been very much worse than the first. Instead of anything being done to help forward the development of the salt industry in the mainland of India, what would have happened would have been an expansion of the works at Aden only to such an extent that even indigenous competition, meaning thereby competition in the inland of India, would have been stifled out.

Some of my friends who have spoken before have already pointed out the claim which has been put forward on behalf of the Aden manufacturers before Government this year. Encouraged naturally by the preferential treatment which was accorded to them, they were opening their mouths as wide as they could, if I might use that expression, and this is what they solemnly and seriously suggested to Government—I am reading from the report of the Indian Salt Association, or rather the representation of the Indian Salt Association to the Government of India which we find as an appendix to the Central Board's report. On page 8 of their representation, the Salt Association "respectfully" recommend—(a) that necessary legislation be enacted extending the life of the Salt Additional Import Duty Act 1931 for a period of about 10 years from 1st April, 1932, (b) that the rates of fair selling price fixed under the existing Act be raised for the present at least by 10 per cent. under the new Act, and (c)—this is the most interesting of the recommendations—that the contemplated development of the inland sources be restricted, in other words, that the main object which was put forward in justification of the additional duty should be thrown aside altogether, and that the Act should be extended for at least a further period of ten years in order that Aden alone might thrive, nay, dance on the graves not merely of the foreign manufacturers of salt, but of the indigenous salt-producer in India itself! These recommendations, Sir, indeed furnish a key to the mentality which lay behind the movement which led to the passing of the Act last year, and that is why I had felt it my duty to cry, and cry myself hoarse, though in vain, against that proposal. This year, however, the facts were there to stare everyone of us in the face, facts which could not be brushed aside by rhetoric or by sentimental arguments, and because the facts did tell and my Honourable friend Sir George Schuster was good enough to see the implications of those facts, we felt no difficulty whatsoever in accepting the report which you now find before you. Far be it from any one of us to be wishing to hit down or kill Aden. During this interregnum, so to say, Aden has certainly been doing a great deal to help India, though if Aden is helping India India is helping Aden even more. While inland sources of salt supply would take time to put themselves on a sound basis, you must have some source of supply on which you could rely, and if it were a choice between Aden and Liverpool, I would certainly support Aden in preference to Liverpool. You will find in the present report the Committee recommendation that Government should at once introduce an inquiry into the whole position so as to prevent the result—I might say, the calamity,—which we all apprehended last year, namely, that Aden should be enabled to establish a virtual monopoly in Bengal, and it was a very wise suggestion, if I may say so with respect, which the Honourable the Finance Member made that there should be a conference of all the salt manufacturing interest concerned at which the position could be very fully and frankly discussed.

[Mr. C. C. Biswas.]

because after all you must be fair to all. If there is to be a system of rationing, as has been foreshadowed, it is just as well that the manufacturers should be warned beforehand, so that they might not find themselves plunged in a situation which they had not foreseen and which they certainly would not deserve. Therefore this suggestion of a conference is an eminently sound and reasonable one, and we have a right to expect that after that conference Government will bring forward proposals before this House which will ensure that while Aden is not unnecessarily or unreasonably sacrificed, Aden does not at the same time gain an undue predominance at the expense of the development of inland sources of salt supply.

So far as the year just about to close is concerned, there can be no gainsaying the fact that the Bengal consumer has put an unnecessarily large amount into the pockets of the Aden merchants, but it is probably too late for us now to quarrel with that. Not only have Aden manufacturers got the benefit of the additional import duty, they have also gained in another way in the unexpected reduction in the freights, but it is just as well to remember that because there has been a temporary fall in the freights, that does not justify any hasty action on the part of the Government in the way of adjusting the "fair selling price". As the Honourable the Finance Member has pointed out, such readjustments of fair selling prices which the Tariff Board have fixed after elaborate inquiry are to be deprecated, because that would create unsettled conditions, and unsettled conditions could never achieve the objects which the Tariff Board inquiries had in view.

My friend, Mr. Mitra, had some observations to offer regarding the attitude of the Bengal Government in the matter of developing the local salt industry in that province. Sir, my friend has read out from the report of the Central Board of Revenue, where it is stated that:

"Bengal and Assam do not propose to devote their share of the extra duty to the object mentioned, since there is no salt industry to develop, as in Assam, and no scheme economically feasible for the production of marketable salt in Bengal has been produced."

Sir, confining myself to Bengal, it is only fair to point out that at the date this reply came from the Government of Bengal, Mr. Pitt's report was not in their hands. That report came later, and I am sure that when that report is before the Government of Bengal, the latter will not be wanting on their part in making all efforts to see salt industry, which once formed a characteristic feature of Bengal economic life, not merely restored but placed on a much stabler and sounder footing. (Mr. B. Das: "Let us hope so!") I say, "Amen, let us hope so", and I hope that hope will not be belied. As a matter of fact, for the information of my friends over there I may mention that a few months ago some persons who were taking some interest in this matter in Bengal started an association called the Bengal Salt Manufacturers' Association. That was a company formed under section 26 of the Companies Act and was registered. No profits were to accrue to any of the members, it was to be on an experimental basis, and the whole idea was to explore possible methods of developing the salt industry in Bengal. The company is only a few months old. It recently obtained a licence from the Government of Bengal. The latter have been very helpful in this matter. When Mr. Pitt went down to Calcutta, some of those who were interested in this concern interviewed him, and they got every encouragement from Mr. Pitt. I gladly acknowledge all that. Therefore,

I say the Government of Bengal are not wanting in sympathy for this project. The reason why they say they have not been able to apply the proceeds of this additional duty to the specific purpose for which they were earmarked is that up to then no definite scheme had been placed before them. It is no use recalling the old days when the salt industry flourished in Bengal. It is no use recalling the circumstances which led to the strangling of that industry. Let us forget and forgive. (Hear, hear.) Let us work in the present with an eye for the future, and let us see, all of us, that that future is worthy of the province and worthy of the country.

Mr. B. Das: Sir, I would ask my Honourable friend, Mr. Morgan, to withdraw the amendment which he has moved, because he was a member of this Assembly Salt Committee and he knows that all of us discussed every aspect of the question he has raised in his amendment, and he knows that a year hence the Salt Committee will meet and discuss every aspect of the question afresh. But whether any Committee of this House can subscribe to discriminating taxation between one part of India and another part of India is a question for the Committee to decide. I do not think however this House will ever be a party to that principle, which is the underlying principle of his amendment; but as my Honourable friend, Mr. Mody, has pointed out, the freights may go up, and I think if the freights go up, Mr. Morgan will be a party to that because he might belong to that caucus, the shipping caucus, which controls freights in India. The data available before the Committee were not sufficient for all purposes. They were mostly supplied by my friend Mr. Morgan. I hope Government in the meanwhile will set their machinery going to collect all the information about freights, and let us wait till a year hence; and if we find that the salt manufacturers are getting an unequal and unfair advantage, then the rate of additional import duty of 4 annas 6 pies could be reduced, but I cannot subscribe nor do I think can anybody on this side of the House subscribe to any discriminating system of duties between one part of India and another part and I do hope my friend will withdraw his motion.

The Honourable Sir George Schuster: Sir, I shall take only a very limited time of the House in dealing with this question. I have a good deal of sympathy with my Honourable friend who moved this amendment, particularly in his playing a lone hand as he is apparently doing in the House. We all of us know what he is after, and we all of us have a good deal of sympathy with it, but I think the only sound ground on which we can take our stand now is the ground mentioned by my Honourable friend, Mr. B. Das, who just spoke, and also mentioned in the concluding passage of his speech by my Honourable friend, Mr. Mody, that the principle of discrimination in duties against different countries, or different parts of India in this case, is one which contains within itself the most dangerous possibilities. I think the House would be very ill-advised to commit itself to a principle of this kind. Therefore, although as I say I know what my Honourable friend is after and I have a certain amount of sympathy with him, I must strenuously oppose this amendment. I would also put another point to my Honourable friend and that is this, that we are admittedly only bringing forward a provisional measure now and the whole point of dealing with the situation in the way we propose is that we feel we have not yet had sufficient experience of how this whole plan is working and that we want another 12 months to see how things are going, another 12

[Sir George Schuster.]

months within which perhaps we can devise some plan which will achieve our main object and guard against certain dangers to which I have already called the attention of the House. I was puzzled by one line of argument in my Honourable friend's speech, and he himself helped me to some extent by saying that he had got rather far from his original point. I think he had in fact got so far from it that he was unconsciously arguing on the other side. He tried to frighten us with his picture of the position as regards the stocks now available in Calcutta. But surely, if there was any danger of that kind hanging over the market in Calcutta—and as a matter of fact I entirely disagree with my Honourable friend on that point—if there was any danger of that kind, surely we should increase the danger if we made the position for Aden as producer more difficult than it is at present. We are and have been during the past year relying very largely upon the Aden production, and therefore from that point of view if we want to be assured with regard to our supplies, it is surely to our advantage to do everything to encourage Aden to increase her supplies. As a matter of fact, I entirely disagree with my Honourable friend that there is any danger of shortage of supplies and I think that he has drawn and put to the House wrong conclusions from the statistics as regards the stocks. That, Sir, is all that I need say on the subject and I would ask the House to oppose this amendment.

Mr. Chairman (Sir Abdur Rahim): The question is:

"That after clause 3 the following new clause be added:—

"4. In section 5 of the said Act,—

(a) to sub-section (1) the following words shall be added, namely:

'except Aden, and shall not, save as hereinafter provided, be levied and collected on Salt produced in Aden save to the extent 5, Act XIV of 1931, of extent of one anna six pies per maund.'

(b) to sub-section (4) the following words shall be added, namely:

'In the case of Aden the price to be paid shall be fifty-four rupees five annas per hundred maunds'."

The motion was negatived.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

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

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

The motion was adopted.

THE BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL—contd.

Mr. President: The question is:

"That clause 2 of the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, do stand part of the Bill."

Mr. E. F. Sykes (Pombay: European): Sir, I move:

"That in clause 2 after the word 'jail' where it occurs for the second time the words 'in any Governor's Province' be inserted."

Mr. President, sometimes when listening to speeches in this House, I have detected in the speakers a belief that Governments sit up late designing measures for the oppression of the people. You, Sir, with your very wide

experience, administrative and other, are aware that for want of leisure, if for no other reason, this cannot be the case. The wrongs that Governments commit are more usually traceable to one or both of two causes; the first want of information and the second an obstinate refusal to admit errors and reverse a policy embarked on on insufficient information. The former is unfortunately a common case. The highest compliment one can pay is to describe a man as "well-informed", a proof of the extreme difficulty of this art. We can therefore extend our sympathy to and withhold our reprobation from a Government in such a case. For the latter, no leniency is deserved. To know the better course and follow the worse is, I think, called sinning against the light. I hope in the following observation; to make good the deficiencies in the information before the Government and the House; it will then be for the House to see that the Government do not fall into the latter error.

I would like to make it clear that any observations I have to make are not directed against the Bill. I do not say that the Bill could not be better, nor that the Government are not displaying an unwarranted degree of patience and forbearance having regard to the nature of the persons at whom the Bill is directed. But this is no time for attempting to modify the main principle of the Bill. The House by sending it to Select Committee has approved the principle of the Bill. The Bill has been referred to the Select Committee and it has been returned with a report as nearly unanimous as can be expected, in a Bill of this nature, and no alteration whatever has been made in it. To attack a Bill under these circumstances would be to tilt at windmills, an occupation that attracts few practical men.

But there are many of us who hold that the manner of administration of laws is not less important than their formulation; and that the bad administration of a good law may deprive it of all its virtue. Now it is rarely possible to attack or to seek to modify a Bill on grounds of bad administration; administration cannot begin till the Bill becomes an Act, and in most cases there is no reason for announcing the manner of administration in advance. In this particular case however the Government have told us what they are going to do with the detenus, the subjects of this Bill, in the event of it passing into law. They have announced that they are preparing to send them to a place which they profess to believe and wish the House to believe to be salubrious and remote—in short to Deoli in Rajputana. The question of salubrity will not detain us long. I suppose the primary meaning of salubrious is health-bringing. As regards the secondary meanings of the word, there may be some difference of opinion. This has been known to occur with other words. Browsing the other day on the *Times of India* I came across a review of a Directory of Delhi. The Reviewer says:

"One is intrigued by a paragraph in which appears:

'The climate of Delhi is congenial....During the hot weather hot winds blow at times and are often the cause of death—'. The rainy season is followed by malaria.....'"

We may take it that salubrious is not likely to come off any better than congenial. The fact about the climate of Deoli is simply this, that it is so salubrious that the Political Agent is unable to remain there throughout the year, even though the alternative is Mount Abu! For a considerable part of the hot weather the *Luh* blows day and night. Perhaps the House is not wholly familiar with the word "*Luh*". It is a word

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which in some Indian languages, as well as in German and Scottish, primarily means "flame". I was tickled to death at an earlier stage of this Bill when Members appealed to the Government to reproduce Bengal conditions in Deoli. I have lived on the fringe of Bengal and have some idea of its conditions, and have passed some years not too far from the Banas, and the idea of creating the conditions of the Hughli on the banks of the Banas was full of humour. I advise Members who are interested in this matter to take advantage of the Easter concessions to visit the Banas. From Nawai station, fifteen miles in a motor-bus will bring them to the Banas crossing. A little further on is Tonk, which is thirty-six miles from Deoli, and the conditions do not vary much. The House will probably agree that this is enough about salubrity.

I must now ask from you, Sir, and the House a little patience while I deal with the matter of remoteness. Rajputana is divided up by a number of quite large rivers, which affect the history of the area by forming the boundaries of States and by having only a few convenient fords and ferries to determine the lines of communications. One of these is the Banas, which after forming the main drainage of the Mewar State, passes through a number of others and finally joins the Chambal, the great arterial river of Rajputana and Malwa. Rajputana has few trunk roads and one of the principal is the North and South road, which proceeding from Ajmer through a number of States, particularly Bundi and Kotah, reaches Jhalrapatan, and then branches in two directions through Malwa. Its crossing of the Banas and the Chambal is controlled by Deoli and Kotah. Deoli is a cantonment on the right bank of the Banas; it is the only bit of British territory on that bank. I have not been able to ascertain precisely its history; but it seems likely that after the unfortunate affair of the Kotah contingent in 1857, it was carved out of the Mewar State and formed into a cantonment in which was located an irregular force maintained at the expense of some of the States for the purpose of carrying out the obligations of the Government to maintain the integrity of these States. In this respect, it resembles on a small scale the cantonments of Secunderabad, Bangalore, Baroda and many others which are British territories in a highly technical sense. There is a further patch of British territory on the opposite bank, but it is not clear whether this was taken over as a Bridge-head or whether it was the result of the complicated adjustments following the dispossession of the Mahrattas. Beyond that we come to a ring of Indian States. Marching with it, or at no great distance are the States of Mewar, Shapura, Kishengarh, Jaipur, Tonk and Bundi.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): We are marching too remote.

Mr. E. F. Sykes: The Honourable Member evidently does not know what marching means. But I will not take you through the long history of the Deoli force. It is sufficient to note that it is now represented by a small Political force—the Mina Corps. Its duties are still considerable as the events of last June showed; and it is sufficiently occupied to be unable to be used as a guard for any detenus that may be sent there.

Not only is it an important point on the main trunk road, but it is at the junction of it with another branch road which proceeding through Tonk, crosses the Banas and through Jaipur leads to Delhi. It is therefore an important junction, and regular bus services run to it from all

directions. The site of the proposed Jail is actually on one of the roads, and it is interesting to note that while one department of Government commends it on account of its remoteness, another department is contemplating spending out of the petrol fund a lakh of rupees to improve the Banas crossing and increase its accessibility.

Now, Sir, it is possible to expound the reasons for regarding it as an unsuitable place for a jail for Bengali detenus. The first one is highly general. It is an objection shared by all parts of India. I will not take you through all the opinions of the Bill. The House is doubtless familiar with them. I will take as typical the remarks of the Government whip in a previous incarnation. An excellent idea, says he, but of course we could not have them in our province. One other opinion. The Commissioner of Ajmer-Merwara gave his blessing to the scheme in general, but, says he, if they are sent to Ajmer jail, I hope we shall be allowed to choose our guests! It had not then occurred to him that they would be sent to any other place in his jurisdiction, evidently overlooking the power of Government to declare any place to be a jail. In short everyone approved the idea, but was content to leave the burden of putting it into practice to some one else.

Coming to particular objections, it has already been shown that the chosen site is at one of the important road junctions of the country. There is a further and more important objection. Judging from the questions asked in this House, many Members appear to be familiar with the advantages and drawbacks of cantonments. I can therefore assume that most Members know that, in spite of the traditions of a brutal and licentious soldiery, the good order and just administration of cantonments have attracted to them a volume of business out of proportion to the immediate necessities of the place. And the same has happened in Deoli. Although the total population is about 5,000, as a market it is of greater importance than towns many times its size. I had prepared a map to illustrate to the House the distribution of markets in Rajputana, but it is extremely difficult to give a map which will be visible to the whole House. I will lay it on the table. But the principal point about the distribution of the markets is that from Deoli you have to go 56 miles in one direction to Nasirabad, or a hundred miles to Jaipur or a hundred miles to Baran or 120 miles to Bhawani Mandi, before you come on any market which is worth consideration. You will understand from this distance that the position of Deoli is rather like the centre pip of 5 in a pack of cards. It is therefore easy to understand that if Deoli has a market far removed from it the inconvenience would be considerable. Then, Sir, although there is common agreement that the presence of these detenus is undesirable, the grounds of the objections are not given in great detail. It appears that they are likely to have letters smuggled into them or out from them, and particularly that they will corrupt jail discipline, and these difficulties are thought to be insuperable. But whatever the objections may be in other places, that objection will hold in Deoli. Either they are a nuisance to the neighbourhood or they are not. If not, then a convenient detention camp would be either in Fort William under the eyes of the Government of Bengal, or in the Purana Qilla under the eyes of the Government of India. But if they are, it is obviously improper to plant them at a road junction at the market centre of a large area. How can business be carried on if travellers are to be subjected to the inquisition of the police, and perhaps be required to furnish themselves with passes? It may be said that there is nothing to be afraid of

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but it is better to be safe than sorry. No doubt to the large centres a place like Deoli may be a small matter; when an elephant places his foot on an ant hill, he may be surprised at the commotion he causes and wonder why the ants are scurrying about and neglecting their business. But you, Sir, have a sufficiently sympathetic imagination to understand the point of view of the unfortunate ants.

To come to my amendment. It is perhaps not well drafted, but it is enough for me that it serves my purpose. If the Government will give an assurance that they will abandon this project and choose for the location of these gentlemen some really remote place, I am willing to withdraw it. If any modification is suggested which will meet my objection I am willing to accept it. But I am not at present satisfied that any change is needed.

Mr. President: Order, order. Sardar Sant Singh.

MOTION FOR ADJOURNMENT.

ALLEGED MALTREATMENT OF WOMEN POLITICAL PRISONERS.

Sardar Sant Singh (West Punjab: Sikh): Sir, I beg to move that the House do now adjourn. The matter of urgent public importance which I want to discuss is the mal-treatment that has been meted out to the lady prisoners while they were being transferred from the Delhi jail to the various jails in the Punjab. Before I proceed to put the facts before the House, I want to give an assurance to my Honourable friends. This has become necessary on account of the remark which fell from the Honourable the Home Member this morning that I have taken my clue as regards the facts from the reports published in the Press. I acknowledge this much, that the idea of moving this adjournment motion originated with me after reading the facts in the *Hindustan Times* of the 20th March. But later on I verified these facts by making inquiries from the eye-witnesses of the whole affair; and so I am in a position to place the facts before you for the judgment of the Honourable Members of this House with the confidence what attaches to a person who has actually gathered facts from persons who have seen the affair. At the same time, I may explain that probably the Government's source of information is the report submitted by the Inspector of Police, whose name, if I mistake not is Mr. Hardy. It is but natural that a police official who was leading what was practically a raiding party to the jail would naturally be interested in the result of that raid, and in spite of himself, would be unconsciously biased in favour of his subordinates. So without even doubting his reliability, though being a police officer, it is open to suspicion, I may say that his version is bound to differ from the version of impartial eye-witnesses. What are the facts of this case? On Wednesday last the lady prisoners in the Delhi jail, who were convicted of various offences under the Ordinances that are now unfortunately ruling the country, learnt that they were going to be transferred to the mixed jails in the Punjab. Probably Honourable Members are aware that according to the rules governing the administration of jails no female prisoner, even

if convicted of crimes against society or morality, can be allowed to remain in any female ward of the jail for more than a week after her conviction. They must be sent to the female jails where the warders, Superintendent, and the supervising authorities belong to their own sex. But in this case, the lady prisoners, who belong to the most respectable families and whose names I will presently read out, were ordered to be transferred to mixed jails. My first charge against the Honourable the Home Member is that the order of transfer to mixed jails was illegal. Who are these lady prisoners? Some of them belong to very respectable families. Here I may be permitted to point out that this fact should be an eye-opener to the Government, who are carrying on repression in their mad desire to crush a movement which can never be crushed. Who are these ladies? One of them is Mrs. Asaf Ali, the wife of the well-known barrister of this place, a leader of Muhammadans in this country and

An Honourable Member: Question.

Sardar Sant Singh: My Honourable friend may question; the Muhammadans do not form only one party belonging to the Muslim Conference; there are others who belong to the Congress Party also; but they are leaders all the same; they may not be your leaders, but they are the leaders of the most forward class amongst you. However that is a digression. As I was saying, she is a lady of great culture and great education. There was also Shrimati Chando Bibi. Who is she? Here I am not talking merely of ladies belonging to families of respectable leaders of the Congress Party; but I am talking of these ladies belonging to the families of those who, in the ordinary street parlance of today, are known as Government toadies. She is a daughter of Lala Girdhari Lal, ex-Public Prosecutor of Delhi and sister of Chandi Lal, barrister of Delhi, a leading lawyer of this place.

An Honourable Member: Also a toady?

Mr. President: Order, order.

Sardar Sant Singh: The third is Mrs. Durga Das, niece-in-law of Sir Gopaldas Bhandari of Amritsar. The fourth is Shrimati Gauri Bai. I understand, though I have not been able to verify it, that she comes of a family whose members hold respectable positions in Government service and one of her brothers probably is a Captain in the Indian Medical Service. Next was Shrimati Usha Devi, the grand-daughter of Swami Shradhdhanand whose services to the Punjab have been innumerable. I need not mention the remaining names. I mention these names not with a view to create a distinction, that the ladies of the highest families should be immune from maltreatment. I hold that ladies, whether belonging to high families or ordinary families are all ladies. Their sex demands our respect and the utmost consideration. I need hardly remind this House that India has always stood for honouring the ladies, irrespective of the fact whether they belong to high families or ordinary families.

I say these ladies, whom the trying Magistrates had recommended for a class treatment in jails, were being detained in the Delhi District Jail. On Wednesday last, as I was submitting, these ladies came to learn that they were going to be transferred to the mixed jails in the Punjab. They

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did not like it; they naturally desired to be transferred to female jails. They expressed this desire to the authorities; but the authorities remained adamant. In order to give vent to their strong feelings against this treatment, they refused to take food and went on hunger strike. Even this did not move the authorities. The authorities, as is the policy underlying all their actions in these days, were bent upon bending or breaking these ladies, and so they persisted in sending these ladies to mixed jails. In this connection I may mention that Mrs. Asaf Ali's husband, Mr. Asaf Ali, is a co-prisoner in this jail. Maulana Abul Kalam Azad, whose leadership I do not think there will be any one on this side to question, is recognised amongst all Muhammadans—he also is a co-prisoner in this jail. These gentlemen advised the ladies not to go on hunger strike, not to care for the sufferings they were enduring for the sake of their country. Their intervention was proving helpful, when the lorries came to effect their transfer. There were three lorries, one full of armed police, the other full of female police who have been recently recruited, and the third for the removal of the prisoners. First of all, Chando Bibi was brought out, bruised and bleeding and thrust into one of the lorries. (*An Honourable Member*: "Shame.") Mrs. Durga Das was another sufferer. She has a child aged three years along with her in jail. The child cried out that her shoe had fallen. Even the cries of the child were ignored and she along with her crying child was also thrown into that lorry. I forgot to mention one important fact in connection with Mussamat Chando Bibi's treatment. When she was being forcibly carried to the lorry and was being forcibly thrust into it the remark made by one of the female constables was "*kutiko bandhneko rasi lao*".—"Bring a rope to tie the bitch". That was the expression used towards a lady of a high family. After that they were taken to the railway station, bruised, beaten and bleeding. It is too long a story to tell. Prison vans were supplied wherein there were only four planks on which 15 lady prisoners were to be required to spend their night. There were no sanitary arrangements in the prison van; no food was permitted to be given to the ladies and it was with difficulty that the Station Master was persuaded to allot a third class compartment.

Mr. President: The Honourable Member has got only half a minute more.

Sardar Sant Singh: What I want to impress on the House in this connection is that this is not the only instance in which the ladies of India have been humiliated and maltreated. Another story showing similar callousness comes from Benares. There is still another about which papers have been handed over to me this morning. In Meerut one Ram Piari Devi has been treated as badly. My submission is that the time has come when a halt should be made to this sort of treatment. I cannot go into the question now, but I will strongly urge on the Honourable Members not to forego this opportunity of censuring the Government and protecting the honour of their own mothers and sisters. (*Opposition Cheers.*)

The Honourable Sir James Crerar (Home Member): Sir, in rising to oppose this motion, it is my intention, as has always been my practice, to place the House, without the slightest delay, in the fullest possession

of the facts as they are known to me. I will now read the purport of reports which I have received from the Chief Commissioner of Delhi. The facts are as follows:

"It had been found necessary to transfer 16 female prisoners from the Delhi Jail as the accommodation set apart for females was small and, moreover, accommodation had to be made available in case other females were sent to prison. The women themselves had complained of overcrowding and had asked for transfer.

Accordingly on the 16th March orders were received from the I. G. Prisons, Punjab, that these 16 prisoners should be transferred—11 "B" class prisoners to Ludhiana, two "A" class and two "C" class prisoners to Ambala and one prisoner to the Sub-Jail at Dharamsala. The Superintendent of the Jail communicated these orders the same day so that the female prisoners might have a chance of seeing their relatives and friends before their transfer from Delhi. The prisoner for the Dharamsala sub-jail was very pleased and after communicating with her father was sent away without any trouble on the morning of the 18th. The remaining 15 prisoners objected and threatened hunger strike on the morning of the 17th. On the 17th they refused to accept Government rations and expressed their determination to continue their hunger strike unless the orders were cancelled or they were sent to the female jail at Lahore. Accommodation was not available at the Lahore Female Jail—(*and that, Sir, is a very important fact*)—though the Punjab Government were willing to accommodate these 16 female prisoners, as described, at Ludhiana, Ambala and Dharamsala, they stated that no more female prisoners could be received in the jails in that province. This made it essential that the 16 prisoners should be removed in order to make available accommodation in Delhi for female prisoners which, as has already been explained, was limited. It was not feasible to send them all to one jail in the Punjab and, clearly, an impossible position would arise if female prisoners were allowed to dictate to the authorities the jails to which they should be sent. As prisoners they have no option in the matter and must obey orders.

The Superintendent of the Jail did every thing possible to induce the prisoners to give up their hunger strike and asked Mr. Asaf Ali, who is detained under the Emergency Powers Ordinance, and Dr. Ansari, to intervene. Their intervention, however, was of no avail and the prisoners put forward a further condition that Government should give an undertaking that all women prisoners sentenced in Delhi in the political movement should be transferred either to the Lahore Female Jail or to one single jail. As clearly indicated, this was an impracticable demand and the Superintendent of the Jail informed them that it was impossible to allow them to remain in Delhi any longer and that they would have to go. The Superintendent's last interview with them in the early afternoon of the 17th showed that they were in most unreasonable frame of mind, and that further argument was of no avail. He obtained orders from the Chief Commissioner who said that the rules were to be observed, that the transfer should be effected and that, if necessary, the services of the women police should be called in. The Deputy Superintendent of the Jail was ordered to carry out the transfer. The prisoners were informed at about 4-30 p.m. on the 18th that they would be transferred to Ludhiana and Ambala and were warned to pack for the journey. Those who desired were allowed to interview their husbands and relatives. It appeared that wiser counsels were prevailing, for the prisoners broke their hunger strike and took refreshments. The Deputy Superintendent was also given to understand that no resistance would be offered. By 7 p.m. everything was ready, but Mr. Asaf Ali told him that there was one recalcitrant female prisoner who might give trouble and a postponement of transfer for one day was suggested. The Deputy Superintendent was unable to get into touch with the Superintendent of Jail and, rightly, decided that he must obey the orders given to him. The prisoners were told that if they did not go willingly, women police would be called in. Thereupon the prisoners started shouting objectionable slogans such as "*Inqilab Zinda bad*", "*Angrezi Hukumat Barbad*", "*Zalim Hukumat Barbad*", "*Safed Chamre Walon Ka Satyanash*", and so on.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): What is that last expression please?

The Honourable Sir James Crerar:

"*Safed Chamre Walon Ka Satyanash*", "*Police Walon Ka Satyanash*".

"The women police, nine in number, were accordingly called in under a Deputy Superintendent and directed to remove the prisoners, whereupon one of the latter called out '*Mere Nazdik Mat Ao, Mat Hat Lagao, Warna Main Marungi*'. On being

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approached by the police she lay down and caught hold of a tent pole but was lifted bodily and taken outside to the lorry in which they were to be conveyed to the station. The other prisoners caught hold of each other's arms to offer joint resistance. In the course of the removal of the prisoners one prisoner received a slight scratch between the thumb and index finger by accident from a brooch, whereupon all the prisoners began to shout that one of their number had been injured and was bleeding. After three prisoners had been removed with considerable difficulty it was decided to bring the lorry inside the jail up to the gate of the female ward, but the remaining prisoners offered no resistance and reluctantly came out of the yard shouting, cursing and abusing. One of the women police was bitten on the thumb and had her *sari* nearly torn in two.

When the Dharamsala prisoner was transferred in the morning there had been a demonstration at the main station, and it was decided to remove the batch of 15 prisoners from Shahdara station. At the railway station the prisoners refused to leave the van until they knew the accommodation to be provided for them, but eventually by the efforts of the police officer and some friends of the prisoners they were pacified, and when the train came in, were put into the compartment allotted to them. Under the rules they travel in a prison van or in third class carriages. At the station also abuse and bad language were used freely and the drinking goblet of the women police was thrown down and broken in a fit of temper by one of the prisoners."

Now, Sir, those are the facts as I believe correctly reported, and in the very brief remaining time at my disposal I propose only to make a few brief comments. It struck me in the course of the Honourable gentleman's speech, that he made, so far as I am aware, no single allegation supported by any specific facts of any maltreatment whatsoever, and so far, his account is in accordance with the account which I have received. He said further that the authorities were entirely to blame with regard to this because they were committing an illegality. I deny that there has been any illegality in the matter at all. Transfers from one prison to another are one of the commonest features of jail administration, and these particular transfers were ordered entirely or largely or mainly in the interests of the prisoners themselves. The accommodation in the Delhi jail is limited, especially the kind of accommodation which the jail authorities were desirous of offering to ladies classed as "A" and "B" class prisoners. After great inconvenience to themselves, and after great inconvenience to the Government of the Punjab, arrangements for transfers were made. It was impossible, even if the prisoners were entitled to make a demand of this character, to comply with the specific request that they should be sent to Lahore, because there was no accommodation at Lahore, and I hope that the House will not support any line of action which the prisoners asked the authorities to take which would result in serious congestion and risk and serious injury to the health of the prisoners themselves.

The points which I desire to emphasise are that the transfers had been asked for by the prisoners themselves, and the particular place for which they asked, namely, the Lahore jail, was impracticable for reasons which I have mentioned, and the demands they made were in fact unreasonable and impracticable. There was no desire on the part of the jail authorities to use any force at all, nor would any force have been used if the prisoners had not necessitated it by their own conduct. Such force, as was necessary and no more, was applied by the women police, and I have been informed by the superior police authorities that in his opinion this recently formed body of women police behaved with great discipline and with great propriety in a very difficult situation. Force was only used in the last resort in spite of great provocation, resistance and abuse. It did not exceed the

absolute necessities of the case. It was carried out under duly and properly authorised orders, and the action which was taken was, I submit, the only proper action to be taken in this case.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): What was the number of lady prisoners?

The Honourable Sir James Crerar: The number was 15.

Now, Sir, those being the facts of the case, I shall leave it to the candid judgment of the House in the absence of any specific facts given by the Honourable Member who assures us that further inquiry into the matter was made by himself,—I leave it to the candid judgment of this House what verdict they should pass. But, Sir, I do desire to dwell upon one general question. I think that it would be right for me to point out that the obvious object of entirely gratuitous disturbances and disorders of this kind is to place the police forces and executive authorities in a difficult and embarrassing position—to induce them or to tempt them, as the occasion should serve, possibly to exceed their powers. In this case they were not exceeded, but in every case their object is to excite prejudice against the Government and the officers of Government. Now, there is a phrase very well known to the British people, and I think, in essence to the best and the most reasonable part of the Indian people, and that is, "Women and children first". But the phrase is capable of being used in a very different manner and it has been so deliberately used. Women and children have deliberately been placed in the forefront of disturbances in reckless disregard of any injury, apart from any inconveniences that they may suffer, for the purpose of propaganda, and I do appeal to the House, because I maintain that this is a typical instance of that kind of propaganda—I appeal to the House not to give it any encouragement. (Applause.)

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): The Honourable the Home Member concluded by reminding us of a famous British expression "Women and children first", and accused the political leaders outside of having placed women and children first in their struggle for the purpose of creating a feeling in the country by exploiting these unfortunate people. That was his argument—that women and children were being used as pawns in the game, to paraphrase it frankly. That, Sir, is an entire misreading of the political situation and the part that women take in the political movement. But supposing women and children were used as pawns in the game by political leaders outside, should the British people go back on the principle that the Honourable the Home Member enunciated, namely, women and children first? Should they let loose women constables on women and children first? The introduction of women constables, if not children constables, shows that the British people in this country, obviously inspired by Sir Samuel Hoare, put women and children first

The Honourable Sir James Crerar: We have had women constables in England for quite a considerable time.

Mr. C. S. Ranga Iyer: I know that, and I am coming to that. Women constables were in existence in England for a considerable time when women were struggling in England for women's franchise, a struggle which

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has been crowned with victory by Sir Stanley Baldwin's final surrender, giving practically adult franchise to women. Even so, educated on British ideas, fed on British philosophy, reared on the lap of British science, the women in India are taking to the movement just as our men have taken to the movement. Women in India are taking to the national movement just as the women in England took to their emancipation movement. It is absolutely incorrect to say that women and children are put in the forefront of the political movement. Their being there is a logical result of British rule in India, a result which Macaulay with his prophetic eye foresaw when he penned that famous minute deciding to educate Indian men and Indian women on English lines. Therefore, the charge that women have been put in front of that movement for purposes of exploitation is a charge that cannot hold water. It is a charge that I refute from this side of the House, and I would ask Government to imagine that a situation is developing, has developed, and will continue to develop in this country just as a similar situation developed in their own country. The struggle is going on and will continue until it attains the goal toward which it is directed. Must, therefore, I ask, the Government continue to look at new things in their old fashioned way—must the Government continue to look at new developments, I ask, with their old-time spectacles? Must they not change their attitude now? Must they not change their angle of vision? That is the question that I will put to the Honourable the Home Member. What is the fun of coming and telling us in this House, as the Honourable the Home Member has told us, about jail rules? He said that the women were obstinate, their demand was impracticable. Was not the Honourable Member, when he made that statement, applying the rule that is generally applied to other classes of women prisoners? Are not our provincial and Central Governments treating our lady prisoners exactly in the same manner as non-political prisoners are being treated? Supposing a woman sets fire to a neighbour's house, supposing a woman poisons her relation, supposing a woman proves a murderess and is sent to prison, the prison rules apply to her. Supposing a young girl, fascinated by the idea of securing freedom for her motherland which she feels has been manacled for ages, supposing, fed on the milk of Western education and the teachings of Lord Morley, Milton's ideals and Macaulay's preachings, she wants to liberate her country, her countrymen and countrywomen in exactly the same manner in which English women have been acting in the past—must these brave patriotic girls be treated as ordinary common felons? I am told that the demand is impracticable. How could it be an impracticable demand when young girls, all of them arrested at Dehli . . .

The Honourable Sir James Crerar: I regret very much to interrupt the Honourable Member. The reason why it is impracticable was that the jail to which they required to be transferred was already full and could not receive more prisoners without congestion and all its evils.

Mr. S. C. Mitra: What is their number?

Mr. C. S. Ranga Iyer: The Honourable the Home Member says that the jail to which they wanted to go or they were to be sent was full up. I ask the Government which spends such a lot of money on the maintenance of the Army—could they not have converted one of the hotels in Mussoorie into a prison for the girls of India fighting for their freedom?

Could they not have converted one of the hotels in Simla, say the Cecil Hotel in Simla, into a jail for girls fighting for their freedom? (Laughter from the European Group.) I find gentlemen laughing there, but let us respect these young girls who are fighting for a cause with courage and with idealism. Let them not be treated in the same manner as others are being treated. Could not the Government have known that women are going to enter this movement? Could not the Government have created a good first class women's prison with excellent accommodation, respectable ladies looking after them, and with all the conveniences that these girls used to derive in their own homes,—even more conveniences? Government must have imagination. As Lord Morley said in his letter to Lord Minto, "The Government should not adhere to old maxims. The old times are gone and the new times breathe a new spirit and we cannot carry on upon the old maxims". The old times are gone but these dangerous maxims remain. Why did it not strike the imagination of the Government to build a new prison for girls? There is no getting away from the fact that the Indian question will be unsettled, as the Irish question was settled, though it threatens to be unsettled, as the Canadian and the South African questions were settled, and if you don't give women and children proper treatment, then take it from me that this kind of treatment will leave a trail of bitterness behind (Hear, hear.) It is no use for the Government to say that they shouted slogans. I myself have shouted slogans when I was a political prisoner, when I was transferred from the Agra prison to the Lucknow jail. There was a breakdown of the lorry near a college in Agra, when the students were preparing for an examination. My fellow prisoners raised shouts. The young boys came forward and I shouted to them the slogan. "Swaraj cannot wait, your studies can wait". I was not muzzled, though the *Leader* of Allahabad asked why I was not muzzled. If I, a man, could be treated better, why could not these women be treated better?

Then the Honourable the Home Member said that Sardar Sant Singh did not give specific facts. I am astonished that the Honourable the Home Member should have stated that he did not give specific facts. A lawyer of Sardar Sant Singh's eminence and reputation in his own place could not avoid arguments. He combined facts with arguments. Within the short time at his disposal he gave facts. He referred to children being dragged. He referred to how a prisoner or prisoners were bleeding. Are these not facts? We have not secured a contradiction of these facts. My friend has got his facts from a newspaper which is working under the Ordinances. I know what it is to run a newspaper, my paper having been the recipient of a warning lately and a rather hard warning. If I repeat the tone and the language, I must be prepared for a heavy security. I am sure the *Hindustan Times* is working under the same conditions as every other newspaper, and no newspaper will publish facts without verifying them for fear of being prosecuted under the Ordinances or suppressed, and the very fact that the *Hindustan Times* is in existence after the publication of these facts and my Honourable friend, Mr. Bajpai, the energetic Publicity Officer, has not issued a contradiction, is adequate to prove to the House that Sardar Sant Singh was taking his stand on hard facts which have not been liquified by the soft reasoning of the Honourable the Home Member. The Honourable the Home Member used the word "inquiry". No inquiry will satisfy this side of the House unless it is an impartial inquiry not meant to whitewash but to probe into the facts, an

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inquiry which would result in the building up of a jail with the latest conveniences for these girls, both women prisoners' wise, for let it not be forgotten that they are fighting for the freedom of the country. The Honourable the Home Member said that the women police were embarrassed by these ladies. In reply, I will repeat what Lord Morley said before I conclude. Lord Morley wrote to Lord Minto: "Your law and order people are responsible for at least as many fooleries of history" as these aggressive politicians.

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): I stand shoulder to shoulder with my friend Sardar Sant Singh in support of this motion for adjournment. He has taken up a right cause as a Member of this House to move this adjournment motion, and I will remind my Honourable friend the Home Member of a saying by Edmund Burke, "Invention exhausted, reasons are fatigued and experience has given judgment but obstinacy is not yet conquered". However cogent argument is placed before this House, however strong reasoning is put forward, however much truth there be in the testimony, the Honourable the Home Member comes with a few typed pages with the facts known to him as a Gospel truth and brushes away the whole issue with the remark, that the matter is misrepresented, the reason is unjust and the demand is unreasonable. May I relate one bare naked fact. Here is the true copy of the telegram sent by Mr. Asaf Ali to Mrs. Asaf Ali:

"Wire on honour condition health and if food resumed enable me do same, most anxious Asaf."

This clearly indicates that if Mrs. Asaf Ali takes food he is also agreeable to do the same. But what is the reply that Mr. Asaf Ali got to this telegram. I read only a portion which will enable this House to know how the authority interprets. The reply runs thus:

"I withheld your telegram to your wife this morning for the simple reason that you said you would go on hunger strike if she continues hers". Now, if any Honourable Member knows a bit of English he will understand the meaning of this, and this is the sort of reliance the Honourable the Home Member places on the reports he gets. He said that the demand was unreasonable and what was the demand? The demand was that the women should be sent to female jails, and I will draw the attention of the House to the conditions in mixed jails, and I am grateful to the *Hindustan Times* for publishing it. It says:

"In view of the debate on an adjournment motion in the Legislative Assembly on Wednesday, permit me to place the following facts before the readers of our esteemed paper with regard to the treatment of women political prisoners in the Punjab Jails where Delhi prisoners have been transferred, to show how dangerous and reprehensible is the practice of keeping women political prisoners in men's jails

2. In almost all District jails, there is one female ward meant for the detention of under-trial female prisoners or for very short-term female prisoners. After conviction these prisoners are transferred to Lahore Female Jail.

(a) Confinement of female political prisoners in these female wards in District jails is highly objectionable and precarious because unlike female jail, where the entire staff except the Superintendent and one or two clerks is female, in District jails the entire staff with the exception of one wardress is male.

(b) Whereas in female jails, no male enters the jail unless accompanied by the Deputy Superintendent or a wardress, in a female ward a large number of males enter every day, even when there is no wardress.

(c) That respectable ladies are likely to be harassed by criminals singing indecent and immoral songs or levelling filthy abuses against each other.

(d) Ladies are, while passing from ward to the office and back for interview, likely to be insulted and assaulted. When the jail staff is not immune from such attacks how can respectable ladies be considered safe?

(e) A criminal may jump over the walls of the female ward and may make an indecent assault on ladies. A large number of convict warders move about in the jail at night. Any punishment after assault will be no remedy for the harm done.

3. The batch recently transferred to Multan jail is open to such disadvantages. The distance from the office to the ward, where they have been lodged, is about a furlong and a half. Water supply is insufficient. The space at the disposal of the prisoners to move about is inadequate. Latrines are quite close to the place where prisoners are kept. There is only one wardress. She cannot be present in jail for 24 hours. If unfortunately any lady falls ill at night, there will be no means of communication to the higher staff.

4. If there is overcrowding in the Lahore Female Jail, another District Jail may be converted into a Female Jail with female staff."

The Honourable Member in a light-hearted manner looks at that little document which he possesses in his hands and says that the demand was not reasonable and it cannot be met. Sir, in his speech my Honourable friend was interrupted by my friend, Mr. Mitra, when he was asked, how many prisoners he was going to transfer. The number given was 15. Only for these 15 individuals, even if accommodation was not available in the Lahore Jail, they could easily be accommodated by the prisoners in sub-jails being transferred to other jails. That was a fair proposal, Sir, what is the underlying motive in all this? It seems that the deliberate intention of the Government is that they will punish these female prisoners in such a manner directly and indirectly so as to intimidate them into refraining from taking part for the future in a movement for Swaraj. I say, Sir, with the utmost confidence and with all the power I can command that this sort of mean trick will not redound to any statesmanship in any civilized government on the face of the globe. Sir, this political movement cannot be retarded by any such tactics as the practising of oppression and maltreatment on our ladies. By such inhuman sufferings being inflicted on our women, the country is not going to be gagged in their political advancement. Our women will have to listen to the still strong voice of their own conscience, and conscience is common to every human being. Sir, by such methods you only yourselves spread hatred in the mind of every self-respecting citizen, and I say no power on this earth can survive if it continues its administration in the future on such lines.

Mr. Jagan Nath Aggarwal (Jullundur Division: Non-Muhammadan): Sir, the Honourable the Home Member almost approached this question with levity. He merely pointed out that in what my Honourable friend said about there being illegality in removing these prisoners, he was not correct. Sir, my Honourable and learned friend gave the other side credit for a good deal more. I can tell him that the section of the law which they have contravened in the treatment accorded to these ladies is not any section of the Indian Penal Code nor of any other Code of Criminal Procedure, but it is a contravention. (*Lieut.-Colonel Sir Henry Gidney*: "We cannot hear you.") You cannot hear me? You will hear me presently.

Mr. President: Louder, please.

Mr. Jagan Nath Aggarwal: Sir, it is a contravention of the law of decency, it is a contravention of the law of humanity, it is a contravention of that law which my learned friend is quite familiar with, "Women and children first" and of which Europeans are the greatest exponents, and it is a sorry state of affairs that we have now to remind them of that doctrine, which they have in their own lives in dealings with their own countrymen, practised all along for generations untold. Well, Sir, it is that patent and obvious objection that we take to this treatment of our ladies in a manner which is neither befitting their dignity nor redounds to the credit of the Government. What is the objection we take, Sir? We say, one might almost say, "Beggars cannot be choosers". The question is, once you are in jail, you are certainly entitled to expect that you shall be treated in a manner befitting the dignity of the Government and also befitting the position of the persons sentenced, especially if they be of the fair and gentle sex. Well, if that is so, what is in reality the grievance of us on this side of the House, and what is the answer to our grievance? Our grievance is that these ladies were removed bodily by force and maltreated in this process of transportation. The other side replied that every prisoner is liable to be transported from one jail to another owing to the exigencies of space or overcrowding of jails. In the first place may I point out that when it was settled in December last at the Round Table Conference that there was going to be a fight with Congress—in December last, mind you, not January—in December last before Mahatma Gandhi had departed from London, Mr. Churchill very bluntly informed us of it in the Parliamentary Debate and Mr. Benthal's memorandum has removed all doubts on that score, the Government should have prepared for this fight. Now that being so, it ought to have been anticipated that women are a necessary party in any national struggle; Government should have known it; and is it not sheer inefficiency that they did not foresee that women would figure in the national struggle? It is alleged that women have been put forward by scheming politicians here just to act as screens behind which to take shelter. Sir, can anybody pretend for one moment that this is anything but a travesty of the facts? It has been mentioned and maintained in the Anglo-Indian Press—in which my learned friend over there is very much interested—that men are taking shelter behind the *sarces* of women. Sir, that is grotesquely wrong and mischievous. Look at the figures of men rotting in jails. The same national spirit that pervades these men also permeates our womenfolk. If that is so, then it is wholly idle to make such allegations and indulge in such propaganda as the other side is indulging in. Sir, they send complacent messages to the Secretary of State that, "The situation is all quiet", "The situation is improving". Sir, I say the situation is not improving. It should be understood that when the movement has gone down to our women and children, the situation is not improving, and it cannot improve.

Lieut.-Colonel Sir Henry Gidney (Nominated: Non-Official): Sir, I rise to a point of personal explanation. The Honourable Member made a reference to the attitude of my community towards this question. May I inform you, Sir, that, representing as I do my community here, I would never desire anything more than that, "women and children should come first".

Mr. Jagan Nath Aggarwal: The Honourable Member's personal explanation has nothing to do with the point I am now making.

Lieut.-Colonel Sir Henry Gidney: You leave my community alone.

Mr. President: Order, order.

Mr. Jagan Nath Aggarwal: As I say, it is wholly idle to pretend that these women are there by the mere design of the scheming politicians: they are there because they feel for their country, because the movement has gone home to them: and I say if the time has come when our women are also being compelled to take such a keen interest in politics and such a keen and hazardous part in the national struggle, then it is time that the communiqué issued by the Government was revised. What do we find? It is said that "The situation has become quiet", and the Secretary of State is assured by the Government of India and the Secretary of State assures the House of Commons that the situation is well in hand. Sir, what is the contention of my Honourable friend opposite? The jails are overcrowded, and he cannot find room for these people in the solitary female jail of the Punjab. Sir, my Honourable friend must confess to palpable inefficiency if he did not foresee that women in appreciable numbers would come forward to court arrest, and he is not entitled to take shelter behind the excuse of lack of space when a new jail is being built adjacent to the central jail at Lahore. My Honourable friend, Mr. Ranga Iyer, was not very happy in his suggestion of converting the Hotel Cecil into a prison for women, but I must say, Sir, there are so many buildings which this city abounds in, and I ask, why not convert all these interesting buildings in which nobody likes to live in the summer for lack of sufficient water, into jails? Women certainly could stay in all these places in New Delhi. After all, the Ordinances are likely to expire in June. Therefore, I say that it is either a part of their self-complacency or it is a lack of foresight. Anyway, I submit that it is high time Government considered that more accommodation should be provided for women prisoners. My Honourable friend Mr. Lahiri Chaudhury has already quoted from the *Hindustan Times*, and I would also like to point out that it is very essential that women must be placed in surroundings where they are not likely to get improper treatment, either from the officials who are in charge of them or from others who may be confined along with them. Sir, when Government are keeping women in jail for political offences, is it open to them to forget that by that very reason more consideration is due to women as such than is due to men? You must not bring them into surroundings in which their very honour is imperilled. That is what is expected of them. My learned friend told us that there is no room in jails and that there are more prisoners in the country than we can keep. Sir, Government will soon come to a point when half the country will be inside the jails and the other half outside? But I cannot agree with the remark that there is no room in the Lahore jail for the ladies, there must be some room. Sir, there is ample accommodation in Delhi. I say that the Government must have less accommodation for the ordinary convict and women prisoners convicted for political offences should have more accommodation in jails in Delhi and elsewhere. Another suggestion which I would like to make in this connection is this. We read last year in the press that one of the Provincial Governments, during the short space of 15 days, got into existence a jail and they took credit for it. When a Provincial Government could do so with their limited resources, cannot the Government of India construct a new jail for lady prisoners? Then, Sir, another suggestion that was made

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last time was that criminals were let out in the Lahore jail to make room for political prisoners. You could do this again by sending the ordinary criminals to the district jails. Therefore, I say that the grievance which these ladies had was not that they wanted to go only to Lahore. They wanted to remain in jail, so it did not matter to them where they were kept. What they did want was that they should have proper surroundings, and my Honourable friend's admission that they had no accommodation for them is an admission either of inefficiency or of lack of foresight which he cannot disclaim. I support the motion.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadian Urban):

5 P.M.

Mr. President, I am certain that nobody on this side of the House is surprised that we are having these discussions a little oftener perhaps than my Honourable friends on the opposite side of the House would desire. But when we consider the atmosphere in which we are living and also consider that we have been sitting in continuous session for nearly two months, it will be admitted that, on the whole, this House has not indulged in discussions of this sort a little too often. Sir, at the very beginning we had a discussion on the Ordinances. We had a Resolution which Members on this side of the House considered exceptionally reasonable but which was construed by my Honourable friends opposite as a vote of censure. It gave this side of the House the opportunity of ventilating their views and, in language that could not be mistaken, of informing my Honourable friends opposite that there was considerable bitterness and ill-feeling in the land. If by any chance they did not agree with that opinion, then we warned them that in a few months they would have to agree to it. Sir, there has been and there is considerable bitterness throughout the length and breadth of this country. If it is not apparent on the surface, believe me it is not because it is not there. And to mislead ourselves or to mislead anybody else, whether they be in this country or outside this country, is, in my humble opinion, a criminal action. We ought to realise the position and we ought to have our eyes open to the state of affairs that exists. I do not know what information is available to my Honourable friends opposite; but, if they consider that all is well in every part of India, I beg to disagree. The movement is going underground and I have not the slightest doubt about it. (Applause from the Opposition Benches); and, therefore, Mr. President, I am not at all surprised at this motion for adjournment of the House.

Looking at the question on its merits, however, as it comes up before us to-day, there is a great deal in which I have to disagree with some of the Honourable Members on this side of the House. The facts of the case appear to me to be fairly simple. There were a certain number of ladies—in England they are all now being called women and I would prefer, without being rude to them in any way, to call them women—in the Delhi jail. Personally, I am not concerned whether they were well-connected or whether they came from the poorest classes. I do not think that has anything to do with the question. A certain number of women were in the jail at Delhi. We have nothing to do on the present occasion as to why they were in jail. We have discussed that question. A certain number of them were in "A" class, a certain number in "B" class and a certain number in "C" class. It was decided that they should be removed from the Delhi jail for good reasons known to Government. It may be due to

congestion or it may be that they could not be well looked after here. Anyhow, they were informed that they would be removed and they objected. They stipulated that they must go to a certain jail. Now, whether it is this Government or whether it is a Swaraj Government or whether it is any Indian State, no Government can stand dictation from prisoners. (Applause from Official Benches.) They said they wanted to go to a certain jail. I understand from what the Home Member said that, even that point was considered but it was found that they could not be removed to that particular jail and they were so informed. I have not heard one word said yet from anybody that the jails to which they were to be removed had accommodation which was worse than is provided in the Delhi jail. No allegation has been made that the jails to which they were to be removed, whatever their character, were much worse than the jail at Delhi. Therefore, I take it that they were being removed to jails just as good or just as bad as the jail at Delhi. They refused to go. They carried on their non-co-operation inside the jail as most probably they would have done outside. Under those circumstances, I am at a loss to know what any Government could have done or could do. They begged of them, they implored them to go. I understand that certain well-known gentlemen who happened to be available in jail were asked to help. That is what I believe the Honourable the Home Member said just now. I think he gave out the names of one or two well-known men. He mentioned the name of Dr. Ansari who was asked to persuade them. I also understand from him that the persuasion of these gentlemen resulted in the stoppage of the hunger-strike. Is that correct?

The Honourable Sir James Crerar: I believe so.

Sir Cowasji Jehangir: It seems to me that if those facts are correct, as stated by the Honourable the Home Member, then steps were taken to persuade these ladies to move. But they would not move, and their refusing to move could only result in the use of force by the Police. That has been admitted. Government admit that they did use force. Now, when force is used whether it be against men well-connected or the poorest men, or whether it be against women in any state of life, it is always unpleasant. The use of force always results in retaliation. But my Honourable friend who moved the motion for adjournment did not tell us why force was used by the women police. There must have been some cause, and therefore if there was some cause for using force, he did not mention what it was. It is quite easy to imagine what must have happened. These women must have refused to move, they must have clung together; some force must have been used and there must have been a bit of a tussle and ultimately one or two must have been removed and the rest must have reluctantly followed. On these facts, I regret I am not able to go into the lobby to censure Government.

But, the discussion has had a very useful result and that is as to what is the accommodation that Government are providing under these extraordinary circumstances. That is not a point for a vote of censure, but it arises on this motion which has served a very useful purpose. Are Government taking precautions to see that there is enough jail accommodation, for if the present state of affairs continues, I have not the slightest doubt that Government will require not double, not treble but four times the accommodation they have got at present. If this discussion only results

[Sir Cowasji Jehangir.]

in Government taking proper precautions to have this jail accommodation ready, it will have served a very useful purpose. I agree with every word that my Honourable friends have said with regard to Government seeing to it that all women, whether they be highly placed or the commonest of women, all convicted of political offences should be decently treated. I would on this occasion again appeal to Government to see that the classification is properly judged. That is another point that might well be brought to the attention of Government. Some days you see that men who have been accustomed to live well are put into "C" class and also men who had been put into "A" class before, are put into the "C" class. I do not think that sort of thing should continue. It only adds to the bad blood, adds to the bad feeling, it only adds to the difficulties that we are all going to encounter in a year or two, or perhaps within six months. Therefore, it would be as well that Government took a long view in these matters. All they want to do is to confine these people and stop them from their activities at present. That is all that is required to be done and there should be no malicious action.

Mr. Jehangir K. Munshi (Burma: Non-European): Mr. President, there was a time, not very long ago, when the Honourable the Home Member had the benefit of serving the Government of Bombay. That also was a time when my Honourable friend Sir Cowasji Jehangir was a Member of the Government of Bombay. Sir, judging from the speeches delivered to-day by the Honourable the Home Member and by Sir Cowasji Jehangir it strikes me that this association has done neither of them any good. (Laughter and Cheers.)

My Honourable friend Sir Cowasji Jehangir quite rightly pointed out to the Government Benches that there is intense feeling in the country and that the movement is gathering strength, whether it be above the surface or below the surface. He pointed out to the Government that it would be a criminal act to minimise or misrepresent the intensity of feeling in the country. I think I am voicing the opinion of the Opposition Benches when I say that nothing done by Government, nothing done by any Government official can cause more bitterness to Indians than the treatment meted out to their women. (Hear, hear.) This is a factor which my Honourable friend Sir James Crerar always swayed by his peculiarly cold logic can never take full note of. I was amazed when he informed the House that he saw nothing in the allegations made by my Honourable friend Sardar Sant Singh to justify this adjournment motion. I also listened to the facts narrated by my Honourable friend Sardar Sant Singh and although I have a peaceful disposition, I certainly saw red for a few minutes. If the facts related by Sardar Sant Singh strike the Government Benches as innocuous, if the facts narrated by Sardar Sant Singh fail to move my Honourable friends sitting on the European non-official Benches, then I am afraid the British community, official or non-official, will never realise the strength of Indian feeling, so far as the treatment of India women is concerned. (Hear, hear.)

My Honourable friend Sir Cowasji Jehangir made certain pertinent enquiries and I should also like to repeat those enquiries. Is it the position of the Government of India that the jail administration in Delhi would have come to a standstill if these 15 women had not been removed from Delhi jail to some other jail? Would it not have been possible, assuming

that there was congestion in the Delhi jail, would it not have been possible to remove some of the male prisoners from Delhi jail to some other jail and keep the women prisoners here? As a last resort, would it not have been possible to remove from the Delhi jail some of the women prisoners who have been convicted and sentenced under the ordinary law? On this point I want to challenge the statement of my Honourable friend Sir Cowasji Jehangir that this House should not draw any distinction between persons sent to jail under the Ordinances and persons sent to jail under the ordinary criminal law of the land.

Sir Cowasji Jehangir: I never said so. I said distinction should be made.

Mr. Jehangir K. Munshi: I stand corrected. Am I to understand my Honourable friend now to say that he did not suggest that whether women prisoners are detained in Delhi jail under the Ordinances or whether they are prisoners under the ordinary criminal law

Sir Cowasji Jehangir: That is not what I said. I say now and I always maintained that there should be a great distinction between political prisoners and prisoners who have been convicted under the ordinary law. But there should be little difference in considering prisoners well-connected and poor people who have been convicted of political offences. There may be a distinction of A and C class by all means. But because a well-connected prisoner happens to be obstinate you cannot let that person off. She or he should get the same treatment as a person who is poor and struggling.

Mr. President: The Honourable Member has made his position clear.

Mr. Jehangir K. Munshi: I apologise to my Honourable friend Sir Cowasji Jehangir for having misunderstood him in any particular. I am glad that I have him with me and the Independent Benches with me when I say that this House will certainly draw a distinction between prisoners whether male or female, who are in jail under the Ordinances and those who are in jail under the ordinary criminal law.

The Honourable the Home Member expressed himself disappointed at the lack of more specific facts from Sardar Sant Singh. I would invite the Honourable the Home Member himself to give fuller facts to the House when he replies to this debate, as to what is the total jail accommodation in Delhi, how many women can be ordinarily accommodated in the Delhi jail, what is the number of women in Delhi jail imprisoned under the ordinary law, and why it was considered necessary to single out these 15 ladies to distribute them all over the Punjab. This House would also like to know whether, when these 15 ladies are separated in this way, two sent to one jail and three to another and so on, there will be any other women prisoners in those other Punjab jails, and what precautions will be adopted to see that the honour of these 15 ladies is safeguarded and that they will not be subjected to ill-treatment, distress, molestation or risk of any kind. Because, ultimately we must come back to this main question, how are we going to allow our women to be treated, whether in jail or outside it? (Hear, hear.)

Mr. President, incidents of this type which have been related in this House to-day will not only help the Congress movement but will also help the revolutionary movement. I ask Sir James Crerar to imagine to himself the feelings of thousands of young men and women who are daily

[Mr. Jehangir K. Munshi.]

gathering round the revolutionary banner filled with a desire to kill those particular people who have been reported to have subjected these ladies to this violence. I am not here concerned with the point whether it will be right or wrong for these revolutionaries to think of taking such action. But is it not natural for such people who have joined this violent revolutionary movement, to feel at the moment a strong desire to kill persons placed in such positions who subject Indian women to such treatment? Would Sir James Crerar be surprised to read a couple of days hence that one of the Bengal revolutionaries or any other revolutionary, whether he is called a misguided patriot or a dangerous criminal, has killed two or three of these officials who were responsible, according to the reports available to us, for these atrocities committed on these women? I shall not be surprised and I am sure the Opposition Benches will not be surprised. Whither are the Government of India leading these young men and women? The Government of India want to crush the Congress movement; they also want to stamp out revolution and violence. Are these the methods to be adopted? That 15 ladies imprisoned without trial under the Ordinances should be forcibly

The Honourable Sir James Crerar: Did the Honourable Member say they were imprisoned without trial?

Mr. Jehangir K. Munshi: Without trial except under the Ordinances.

The Honourable Sir James Crerar: I think the Honourable Member is mistaken. He said they were imprisoned without trial. They were not; they were convicted.

Mr. Jehangir K. Munshi: Does the Honourable the Home Member seriously suggest that any of these women have been sent to jail after a proper trial as a trial under the British constitution and in a British court of law is understood?

The Honourable Sir James Crerar: Certainly, Sir.

Mr. Jehangir K. Munshi: Mr. President, it is very sad to part with a Member of this House, whether official or non-official, with whom one has sat in this House for about four years. But if that is Sir James Crerar's conception of trial under British law, then I for one do not feel any overpowering sorrow at the idea of his leaving the country in the next few days.

Sir, I do hope my Honourable friend Sir James Crerar will make it clear to the House why it was thought indispensable to remove these 15 ladies from the Delhi jail, why they were separated in the manner they have been separated, and what precautions the Government of India or any other Government are going to take in order that these ladies may not be subjected to ill-treatment, insult, molestation or risk of any kind. That, Sir, is so far as future treatment is concerned. But so far as the past is concerned, so far as the maltreatment of these 15 ladies is concerned, that can only be dealt with by a successful censure motion. (Applause.)

The Honourable Sir George Rainy (Leader of the House): Sir, I do not wish to speak at any great length, but there are one or two observations which occurred to me in listening to this debate and I felt that I ought to say something. The adjournment procedure, Mr. President, has

been devised in order that the House may have opportunities for discussing definite matters of urgent public importance. The subject to-day is the maltreatment of the women political prisoners in Delhi jail in the course of their transfer to mixed jails. I have never heard a debate on a motion for adjournment in which so little has been said on the subject of the motion.

Mr. S. C. Mitra: On a point of order, Sir. Can any Honourable Member question the propriety of the Chair not interfering with Members when they were speaking irrelevantly?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): I do not believe that the Honourable Member's contention is that the debate was irrelevant. The Chair would have taken notice if it had been irrelevant. The Chair holds that the debate has been quite relevant. The Honourable Member's contention is that in the discussion which has taken place, sufficient has not been said on the one issue involved to which he wishes to draw attention.

The Honourable Sir George Rainy: I was not raising for a single moment any question of order whatsoever. I am perfectly well aware, Sir, that you are always ready to control the debates in this House if they tend to go beyond the proper limits. That is not my point at all. But what I noticed was a certain timidity amongst the Opposition speakers and a desire to deal with matters on the fringe of the subject rather than to get near the heart of it. That appeared even in the Honourable the Mover's speech, because as I watched the clock I began to wonder whether he was leaving himself quite sufficient time to give the facts to which he wished to draw the attention of the House; and it seemed to me that he was leaving himself very little time indeed as in fact it turned out. And since my Honourable friend the Home Member read a statement of the facts from the report which he had received, I have not heard his version seriously challenged by any one of the speakers. In those circumstances, Sir, I think I am entitled to claim that our version of the facts holds the field, and the position was very aptly summarised, if I may say so, by my Honourable friend Sir Cowasji Jehangir in his speech. He put it very briefly and very clearly, and the sum and substance of it is just this, that force was used, that it was necessary to use it if jail discipline was not to go by the board altogether, and that no facts had been alleged to show either that the orders given were unreasonable or that in carrying them out more force had been used than was necessary. It was precisely on those grounds that he announced his inability to vote for the motion. I admit that debates of this kind, which give an opportunity for Members on the unofficial Benches to let Government know what the feeling in the country is—I am not questioning that—but still when we come to the point of whether this motion should be carried or not, then I claim that on the specific point put before the House no sufficient grounds have been advanced for an adverse vote. Now, one speaker—I think it was my friend, Mr. Aggarwal—suggested that it was not right to send women prisoners to places where they might be treated improperly, and my Honourable friend, Mr. Munshi, made a similar suggestion. Now, it occurred to me, as it occurred to my Honourable friend, Sir Cowasjee Jehangir, to ask what reason anybody has to suppose that in the Ambala and Ludhiana jails they are in fact in any greater danger of improper treatment than they are in the Delhi jail? Surely that cannot be assumed.

Mr. Jehangir K. Munshi: Because they are separated from one another.

The Honourable Sir George Rainy: Does the Honourable Member suppose that the Delhi jail is not a mixed jail as my Honourable friend the Mover called it?

Mr. Jehangir K. Munshi: But the fifteen have been separated from one another. Here they were not separated but were kept together in the Delhi jail.

The Honourable Sir George Rainy: Does the Honourable Member suppose that in other jails there is no separation? My Honourable friend is I think a little unfair when, having been betrayed by his own ignorance of the facts, he attempts to cover his tracks, as he did when he made the suggestion that these prisoners had not been tried. I cannot congratulate him on the manner in which he attempted to wriggle out of that little difficulty.

In all seriousness, we do realise on the Government Benches the sensitiveness of Indian opinion when there is any apprehension or any fear that Indian women have been cruelly or unfairly treated. We do realise it. But there is also this to be said, that it is very important, if and when accusations are made of such treatment and are shown to be without foundation, that this House, while ready to condemn what is in fact maltreatment, should also not be ready to censure Government when all that has been done is to carry out the plain duty of any Government in the position which actually arose. That is the plain issue before the House, Mr. President, and personally I have great confidence in what the verdict of the House will be.

Several Honourable Members: The question may now be put.

Mr. President: I accept the closure. The question is that the question be now put.

The motion was adopted.

Sardar Sant Singh: Sir, I would not like to detain the House much longer, but I would like to answer certain questions put to me by the Honourable Sir Cowasjee Jehangir and the Honourable the Leader of the House. The question which has been definitely asked of me by the former is, what is the difference between the jails to which they have been sent and the jail from which they were sent? The reply is very simple. The jails to which these lady prisoners have been sent, are meant for habituals alone. Habitual jails are meant for those convicts who have got more than one conviction at their credit. They are hardened criminals and are therefore kept in separate jails. The ladies were sent amongst hardened criminals who would not hesitate to outrage their modesty by shouting abusive slogans even from a distance. The second reason is that the jails to which they have been sent are not intended for female prisoners. Female jails under the jail regulations are provided. In my speech I made it clear. Probably either I was not clear or this portion of my speech was not listened to with attention. Female jails are separate jails in the Punjab, and probably there is only one such jail and that is at Lahore. The other jails have a female ward and that ward is meant for under-trials and no jail can detain female prisoners after their conviction for more than a week. This is the illegality which I pointed out, and if this illegality ceases to be an illegality because it is committed by the agents of the Honourable the Home Member, then I have nothing more to say. But if it is an illegality, then I charge the executive authorities for violation of law in

whose name they are transferring these prisoners. If this is not a specific allegation, I fail to see what is a specific allegation.

I now refer to the second point. The Honourable the Home Member has stated that it was impracticable to accede to the wishes of these lady prisoners. The reply to this is also very simple. Since the time these lady prisoners have been transferred from Delhi jail, the female ward lies vacant up till now. I challenge my Honourable friend to say that there are any lady prisoners now there. (Opposition Cheers.) The third specific fact I am going to supply is this: that during the last civil disobedience movement of 1930 the European ward of this jail accommodated fifteen lady prisoners. Now it is being used by their four favourites, who are known as approvers in the Delhi conspiracy case. Could these approvers not be removed elsewhere and these ladies accommodated instead? My friend Mr. Munshi has asked me how many women can be accommodated in Delhi jail. I think I have supplied the answer and this answer should satisfy everybody.

The question has been put to me—what led to the use of force towards these lady prisoners? The reply again is very simple. Is not a man or woman entitled to protect her honour or chastity or modesty, specially when it is being threatened by an illegal act of the executive? Were they not justified in demanding that they should be sent to the female jail? If this demand was legitimate, certainly they were justified in offering *satyagraha* when being removed to places not meant for their detention by the law of the land.

These are the facts which I want to place before the House. I will say in the end that the real cause which leads to such abuses of power lies in the fact—in the mentality which at this time prevades the European Benches as well as the Government Benches: namely all the members of the family of a person belonging to the Congress school must be considered beyond the pale of laws and decent treatment. The most recent instance of the working of this mentality that I have come to know is of the wife of one Bhagat Singh, who is now detained in the Subzimandi lockup. She fell ill and went round all the hospitals to be treated. Every female hospital refused to admit her and she died only yesterday for want of medical treatment. (Cries of "Shame, shame" from the Nationalist Benches.) These are the facts Sir. The Honourable the Home Member opposite wanted facts. We challenge the mentality of the Government. If they really want any co-operation or any settlement of this burning question, and one day it must come as my friend Mr. Kanga Iyer said, they must not make themselves slaves of such a mentality. In the meantime, Sir, bitterness has increased, and is increasing immensely. It has increased to such an extent that it will in near future become very difficult for the Englishmen to remain in India. With these remarks I leave my motion in the hands of the House.

The Honourable Sir James Crerar: Mr. President, I have only got half a dozen sentences to say, as the hour is somewhat advanced, in reply to what has fallen from the Honourable the Mover of this motion. I am somewhat surprised that an Honourable and learned gentleman—learned in law—should be repeating the statement that the action taken in this case was an illegality. The Honourable and learned gentleman referred to a regulation in the Punjab Jail Manual prescribing, if I understood him correctly, that, owing to the existence of a special female jail at Lahore, every other jail should evacuate the special wing allotted to women as

[Sir James Crerar.]

speedily as possible. It is a perfectly proper arrangement in normal administrative times, but it is obvious and must be obvious to the Honourable Member himself that it is purely an administrative and executive order issued with reference to normal times, and when he repeats, on the basis of that reiterated fact, that this was an illegality committed by Government and its officers, he must be aware himself of the veritably untenable character of his allegation. I repeat once more, Sir, that even though the Honourable Member has had an opportunity to reply after his notice had been invited to that fact, there was nothing illegal, nothing to indicate or to substantiate the allegation that the women policemen who were mainly concerned in this matter deliberately and gratuitously maltreated these prisoners or used any more force than was absolutely necessary. He has not said one single word about physical maltreatment of that kind, which I understand to be the gravamen of his charge.

With regard to the other more general matters, I would like to say one word in reply to what, if I may call it the more practical speech made by my friend from Bombay and what was said in confirmation by the Honourable the Leader of the House. We do indeed very fully recognise how sensitive public opinion is with regard to these matters, and I do not think that the House will be prepared to admit, in view of the very complete statement which I made, that it could be reasonably inferred by any reasonable and sensible man that our views in the matter were different or were otherwise exemplified in this particular instance. Not only the Government of India but the Local Governments are fully aware of this and indeed they have precisely the same disposition themselves, and I absolutely deny the suggestion that in any jail in any province in India where women are confined that principle is departed from.

As regards the provisions of the jail accommodation to which my friend from Bombay referred, that is constantly engaging the attention of Local Governments, and I may assure the House that, should most unfortunately the necessity arise which recently, I am glad to say, has become less and less, arrangements will be made by which the detention of prisoners will be adequately and properly provided for.

Mr. President: The question which I have now to put is that the House do now adjourn.

The Assembly divided:

AYES—33.

Abdul Matin Chaudhury, Mr.
Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Bagla, Lala Bameshwar Prasad.
Bhupat Singh, Mr.
Das, Mr. A.
Das, Mr. B.
Dutt, Mr. Anwar Nath.
Gunjal, Mr. N. R.
Harbans Singh Bhat, Sardar.
Isra, Chaudhri,
Jadhav, Mr. B. V.
Joshi, Mr. N. M.
Kyaw Myint, U
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Liladhar Chaudhury, Seth.

Misra, Mr. B. N.
Mitra, Mr. S. C.
Murshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Neogy, Mr. K. C.
Patil, Rao Bahadur B. L.
Ranga Iyer, Mr. C. S.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Diwan Bahadur Harbilas.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gaya Prasad.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Ziauddin Ahmad, Dr.

NOES—58.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. G. S.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Bhore, The Honourable Sir Joseph.
Biswas, Mr. C. C.
Brown, Mr. R. R.
Clow, Mr. A. G.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crerar, The Honourable Sir James.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Fox, Mr. H. B.
French, Mr. J. C.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Gwynne, Mr. C. W.
Heathcote, Mr. L. V.
Howell, Sir Evelyn.
Ishwarsingji, Nawab Naharsingji.
Ismail Ali Khan, Kunwar Haies.
Ismail Khan, Haji Chaudhury
Muhammad.
Jawahar Singh, Sardar Bahadur
Sardar.

Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Macqueen, Mr. P.
Moore, Mr. Arthur.
Morgan, Mr. G.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur S. C.
Nixon, Mr. J. C.
Noyce, Sir Frank.
Pandit, Rao Bahadur S. R.
Rafiuddin Ahmad, Khan Bahadur
Maulvi.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rama Rao, Diwan Bahadur U.
Ran, Mr. P. R.
Ryan, Mr. T.
Sahi, Mr. Ram Prashad Narayan.
Sarma, Mr. R. S.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Shah Nawaz, Mian Muhammad.
Sher Muhammad Khan Gakhar, Captain.
Studd, Mr. E.
Sykes, Mr. E. F.
Tin Tut, Mr.
Wajihuddin, Khan Bahadur Haji.
Wood, Sir Edgar.
Yakub, Sir Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 24th March, 1932.

APPENDIX.*

Translation of the speech delivered in Marathi by Mr. N. R. Gunjal, M.L.A., in the Legislative Assembly on the 10th March, 1932, during the General Discussion of the General Budget.

Mr. N. R. Gunjal (Bombay Central Division: Non-Muhammadan Rural): Sir, the Honourable Sir George Schuster last Monday presented to the Assembly the Government of India's revised estimates for the current year and the Budget estimates for the year 1932-33. The public had already before them a fair outline of this Budget in last September and they were consequently unenthusiastic about it. Since the taxes were raised for a period of eighteen months only in last September, it was unlikely that the Finance Member would resort to a fresh enhancement of taxation now. The people may, however, find some interest in knowing how far the Finance Member's expectations have come to be realised during the last four or five months; and as regards this it will be seen that Government estimates have failed in a rising degree.

At the commencement, no deficit was anticipated in the current year; but the Finance Member had to declare a deficit of ten crores last September. The new increase in the taxation was certified in the teeth of opposition from the whole nation, and even then there appears to be a likelihood of the deficit rising up to 13½ crores, for the current year alone. If, even after the application of the retrenchment axe and the excessive increase in taxation, the Budget cannot be balanced, will it be unreasonable to hold that the Government machinery has seriously gone wrong somewhere? Really the Government of India machinery needs overhauling before it can work smoothly again. The reform needed is that full responsibility should be introduced at the centre and an Indian expert should be appointed as the Finance Minister. Even with the abnormally enhanced taxes, the estimated income could not be gathered this year; this is ascribed by Government to the general trade depression. No doubt, that is a true cause to a certain extent, but the present political situation in the country is, to my mind, the more potent cause of it. The import and export figures are instructive in this respect. For the first ten months of 1929-30 figures for imports and exports stood at Rs. 265 and Rs. 201 crores, respectively. The corresponding figures for 1931-32 were Rs. 134 and Rs. 105 crores. Although the fall in trade prices may be one of the causes of this diminution in the imports by Rs. 96 crores, the boycott movement is not the less important cause. It has resulted in the decrease of income from custom duties on sugar and cloth. Therefore, starting of conciliatory political policy is the real effective remedy for an early improvement in the economic condition of this country. Even the Budget figures support this conclusion.

The Budget estimates for 1932-33 provide 129 crores and 96 lakhs as the revenues, 127 crores and 81 lakhs as expenditure and 2 crores and 15 lakhs as the closing balance. The accuracy of these estimates depends largely on the progress that will be made in retrenchment. Next year the military expenditure is estimated at 46 crores and 74 lakhs and His Excellency the Commander-in-Chief has warned us that there will be no further scope for retrenchment there. Several Indian leaders have already expressed the view that India is unable to bear so much military expenditure. The popular party should not slacken their demand for curtailment of military expenditure. Taxation has now reached the maximum limit,

*Vide page 1786 of these Debates.

but even then Sir George Schuster suggests enhancement of taxation on salt, kerosene and other articles of necessity. This discloses the delicate condition to which the Government are reduced. The Finance Member should bear in mind that when he raises the taxes, he has got to give corresponding advantage to the people. Maintenance of peace and order is not the only function of the Government: but it is also their duty to solve the problem of unemployment, to develop the industries in the country, and so on.

The inflation of currency by 35 crores has well served the Government in respect of payment and flotation of debt. Great Britain has been much benefited by the export of gold. Government propose to float a loan of 14½ crores next year. Government securities are going up; this ensures success of the loan, no doubt. But Government must, at the same time, strive to improve the political situation in the country.

The Honourable the Finance Member expressed his regrets over the Budget while presenting it and remarked that he had to present it to the Assembly as ordered by His Excellency the Viceroy. The Assembly Members need not feel sorry. The agriculturists had no profit last year and the rainfall was defective this year. The times have changed. If Government realise this, it is strange that they should pursue the policy of adding to the burden of taxation on agriculturists and other professions. This year the farce of retrenchment has started, and Indians have fallen victims thereto. There have been several instances of the Indians coming under retrenchment, but there are only stray instances of Europeans coming thereunder. We feel very much for this discrimination.

One word more; the deficit in the next year's Budget is to be met by floating a fresh loan. Every year Government go in for loans thereby swelling their indebtedness. I accused Government of insolvency last year; that might have given an offence to them. I have to say that any subordinate Government under the Government of India could have, with propriety, declared insolvency on account of the heavy burden of debts; but the Government of India, being the supreme Government, have not got this way open to them. That is the only difference.

LEGISLATIVE ASSEMBLY

Thursday, 24th March, 1932

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

QUESTIONS AND ANSWERS.

DELHI MOVE ALLOWANCE AND SIMLA HOUSE RENT ALLOWANCE.

915. *Sardar G. N. Mujumdar: (a) Is it a fact that the Army Headquarters staff receive an allowance of 33 per cent. as Delhi move allowance?

(b) Has this allowance been reduced by 10 per cent. and, if so, since when?

(c) Are Government aware that the Delhi move and the Simla house rent allowances are not utilised for identical purposes?

(d) Is it a fact that Government intend to reduce the Simla house rent allowance of their Secretariat staff by ten per cent.?

(e) Are Government aware that most of the Simla Banks and landlords, have refused to reduce rents?

(f) Is it also a fact that Government are not prepared to renew the House Accommodation Act?

(g) Are Government prepared to leave the Simla house rent allowance untouched? If not, why not?

The Honourable Sir James Crerar: (a) No. The Delhi moving allowance is given on a graduated scale and varies with pay. The Honourable Member will find the actual rates stated in my reply to Pandit Nilakantha Das' unstarred question No. 272 of the 21st March, 1930.

(b) Yes, with effect from the beginning of the current Delhi season.

(c) Yes.

(d) to (g). I would invite the Honourable Member's attention to the reply I gave on the 23rd to Mr. Gunjal's starred question No. 895.

COMPLAINT BY MR. P. D. SHARMA OF ASSAULT AT A MEETING OF THE CITIZENS' LEAGUE, DELHI.

916. *Mr. Bhuput Singh: (a) Is it a fact that a meeting of the Citizens' League was held at the Queen's Garden, Delhi and that villagers from outside Delhi and the staff of municipal schools and boy scouts were brought to the meeting?

(b) Are Government aware that Mr. P. D. Sharma, News Editor of the *Hindustan Times* was not allowed to move an amendment to a resolution moved at the meeting?

(c) Are Government aware that when Mr. Sharma insisted on his right to move the amendment prominent conveners of the meeting assaulted and insulted Mr. Sharma?

(d) Is it a fact that the City Magistrate, the City Kotwal and other police officers were present at the meeting and are Government aware that they did not intervene in spite of Mr. Sharma's appeal to them?

(e) Is it a fact that the Citizens' League is patronised by the Chief Commissioner of Delhi?

(f) Is it a fact that Mr. Sharma lodged a complaint under sections 323 and 504 of the Indian Penal Code against Rao Bahadur Dr. Hari Ram, President of the meeting, Khan Sahib S. B. Abdullah, Senior President of the Delhi Municipality and convener of the meeting, Haji Rashid-uddin, Secretary of the Citizens' League, for assault and insult in the Court of the Additional District Magistrate, Delhi?

(g) Is it a fact that the Magistrate held that the complaint related to a "trifling affair" and that he dismissed it as he did not want to encourage "frivolous and unreasonable complaints of this nature"?

The Honourable Sir James Crerar: Government understand that the Magistrate's decision to which reference is apparently made, has formed the subject of an appeal to the Sessions Judge. It would therefore be improper on my part to express any opinion on the facts of the case at this stage.

COMPETITION OF JAILS WITH INDUSTRIAL CONCERNS.

917. ***Mr. J. Ramsay Scott:** (a) Is it a fact that there has been a recent protest from the Associated Chambers of Commerce with reference to jails competing with private enterprise?

(b) Will Government please state the number of cases in which such competition has occurred in the last year in respect of jails in the following Provinces:—(1) Madras, (2) Bengal, (3) Burma, (4) Bihar and Orissa, and (5) the United Provinces?

(c) Is it a fact that in Government's Resolution of December 23rd, 1922 the Governor General in Council was disposed to think that the apprehension of possible competition of jails with established industries is more imaginative than real?

(d) Is it a fact that during the last year several large orders for blankets have gone to jails, and do Government propose to reconsider the question?

(e) If the answer to part (d) be in the affirmative, what do they propose doing?

The Honourable Sir James Crerar: (a) The Secretary to the Associated Chamber of Commerce, India and Ceylon, communicated to the Government of India a copy of a resolution passed by the Associated Chambers on the subject on the 14th and 15th December, 1931. This resolution took the form of a request that Government would again lay down their policy on this question for the guidance of local Governments.

(b) I am unable to state the number of cases in which orders have been given to jails during the last year.

(c) Yes.

(d) A small portion of an order for 96,300 blankets for the Army was placed with a jail in Bihar and Orissa after tenders had been called for.

(e) The policy of the Government of India is clearly stated in the Resolution referred to by the Honourable Member, and they do not consider it necessary to take further action. I may inform the Honourable Member, however, that in view of a resolution passed by the Associated Chamber of Commerce in 1929 the Government of India enquired from all Local Governments whether this policy was being in some instances disregarded. All replies were in the negative.

PRICES OF JAIL-MADE ARTICLES.

918. ***Mr. J. Ramsay Scott:** Are the prices quoted by jails below the market rates and with reference to the following statement by Government in their Resolution of 23rd December, 1922, "In view of the necessity for fixing the price of jail-made articles according to the ordinary market rate for such articles co-operation between the Jail and the Industries Department should therefore include consultation of the latter by the former on the prices to be fixed for jail products", has the above procedure been carried out? If not, why not?

The Honourable Sir James Crerar: The answer to the first part of the question is in the negative. As regards the second part, I understand that this procedure is followed.

PRICES OF JAIL-MADE ARTICLES.

919. ***Mr. J. Ramsay Scott:** If the rates quoted by jails in tenders are below those quoted by private firms,

(a) what is the maximum amount of loss a jail is allowed to make; and

(b) is it a fact that the procedure laid down is designed to prevent jails underquoting private firms?

The Honourable Sir James Crerar: My information is that as a rule the prices of jail manufactures are if anything slightly above the market rate, and that difficulty is sometimes found in disposing of them.

INSTALLATION OF MACHINERY IN JAILS.

920. ***Mr. J. Ramsay Scott:** In view of overproduction everywhere, will Government state,

(i) whether it is their policy to countenance the spending of public money on equipping jails with power machinery; and

(ii) what steps they will take to prevent the further installation of new machinery?

The Honourable Sir James Crerar: (i) The Government's policy is enunciated in their Resolution of the 19th December, 1922. They have no reason to believe, as I have explained in answer to a previous question, that there is any deviation on the part of the Local Governments.

(ii) The Honourable Member is, doubtless, aware that "Jails", under the Devolution Rules, is a Provincial Reserved subject, subject only to central legislation. The further installation of new machinery in jails is thus the concern of local Governments who are fully alive to the present financial and industrial situation.

SAVING ON THE ROYAL AIR FORCE AS IT AFFECTS INDIA.

921. *Mr. Gaya Prasad Singh: (a) Are Government aware that a cut of £700,000 has been effected in the amount of expenditure on the Royal Air Force in England?

(b) If so, will Government please state whether it will mean any saving on the Indian expenditure so far as the Royal Air Force in India is concerned?

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

(b) No, Sir; Indian revenues do not benefit directly from the reduction in the Air Force Estimates in England but the proportionate reduction made in the Estimates in England is very small compared with that made in the Royal Air Force Budget in India.

WITHHOLDING OF A CABLE SENT BY PANDIT MADAN MOHAN MALAVIYA.

922. *Mr. Gaya Prasad Singh: (a) Are Government aware that in response to requests from England for information for the purpose of the impending debate on Indian affairs in the House of Commons, Pandit Madan Mohan Malaviya wanted to send a cable to the *India Review*, the *Daily Herald*, and the *Spectator*, from Benares; and that the messages were accepted for which charges amounting to Rs. 230 were paid; but subsequently the messages were not despatched on some pretext or other, and Pandit Malaviya's request to send the cable as a deferred private message to Mr. George Lansbury, and Mr. Tom Williams, for which he offered to pay additional charges, was refused?

(b) Do Government propose to make an inquiry into this, and make a statement on the subject as to why the message was withheld?

Mr. T. Ryan: (a) and (b). An investigation into the case has been made, and it transpires that the message in question was wrongly accepted by the Benares Telegraph Office at press rates as the sender was not a registered correspondent in India for the despatch of foreign press telegram (which registration has to be arranged in consultation with the foreign administrations). In the course of handling the message, for the rapid transmission of which to Bombay special line arrangements had been made, the mistake was detected and efforts were made to ascertain whether the sender would pay for the message at appropriate rates. It appears that a prolonged discussion ensued and that the sender's representative was unable to agree to the proposal. The transmission of the message was accordingly stopped. It is reported that no request was made for the transmission of the message at deferred rates.

DISPERSAL OF A MEETING IN THE QUEEN'S GARDEN, DELHI, AND ARREST OF MUFTI KIFAYATULLAH.

923. *Mr. Gaya Prasad Singh: (a) Is it a fact that a severe lathi charge was made on an assemblage of unarmed Mussalmans in the Queen's

Garden, Delhi, on Friday, the 11th March, 1932, who wanted to hold a meeting protesting against the promulgation of Ordinances?

(b) Is it a fact that "Sub-Inspector Abdul Wahid communicated to the people assembled that if in the meeting anything was said against the Ordinances, the meeting would be declared unlawful. The conveners had hardly time to reply, when some among the audience replied that they would speak against the Ordinances. This was the signal for a severe lathi charge on the audience"?

(c) Why was Mufti Kifayatullah arrested, and his house searched?

(d) Are Government aware that Mufti Kifayatullah is the President of the All-India *Jamiat-ul-Ulema*; and is held in high esteem by his people?

(e) Will Government kindly make a statement on the subject, and state under what law or Ordinance, a meeting designed to protest against the promulgation of Ordinances, could be declared an unlawful body?

The Honourable Sir James Crerar: (a), (b) and (e). I would refer the Honourable Member to the statements made by me in the course of the debate on the adjournment motion on the 14th March.

(c) and (d). A reference is invited to parts (a) and (b) of the answer I gave yesterday to the Honourable Member's question No. 896.

RETRENCHMENT OF CERTAIN JUNIOR INSPECTORS OF ACCOUNTS ON THE NORTH WESTERN RAILWAY.

924. *Mr. Muhammad Anwar-ul-Azim: (a) Is it a fact that some junior Inspectors of Accounts on the North Western Railway were permanent on 31st March, 1929, but were declared temporary? If so, why?

(b) Were the Railway Board informed by the Chief Accounts Officer that they were actually permanent, but were declared temporary arbitrarily? If so, did the Railway Board consider the question of withdrawing the retrenchment of those junior Inspectors?

(c) Will Government please state as to what action was taken on that letter from the Chief Accounts Officer?

(d) Was it not the order of the Railway Board not to reduce those, who had put in more than one year's service?

Mr. P. R. Rau: (a) On separation of Audit from Accounts the number of permanent posts of Inspector of Station Accounts was reduced from 47 to 38 as expected to follow from certain reforms then contemplated and pending the introduction of these reforms nine temporary additional posts were sanctioned. With the completion of these reforms it has been found possible to reduce the number of Station Inspectors by more than nine and final orders are expected shortly to issue.

(b) and (c). I am informed by the Controller of Railway Accounts that he has not been able to trace the letter to which the Honourable Member refers.

(d) No. The orders were that temporary men with over one year's service should be considered as having equal rights with permanent men.

Mr. Gaya Prasad Singh: When these posts of Inspectors of Accounts were declared temporary, were they served with notices of discharge? If not, why not?

Mr. P. R. Rau: I must ask for notice of that question.

Dr. Ziauddin Ahmad: At the time of separation of audit from accounts, we were given to understand that that would mean reduction of expenditure. So from the reply is it not clear that officers were reduced from 47 to 38, but soon afterwards their number was again increased by nine. May I ask whether the people dismissed at the time were reinstated when the new posts were created?

Mr. P. R. Rau: The temporary posts were created immediately. Nobody was discharged at the time.

Dr. Ziauddin Ahmad: There was really no reduction of expenditure then, because you first reduce and then immediately you create new posts?

Mr. P. R. Rau: Not with regard to these particular posts.

RETRENCHMENT OF CERTAIN JUNIOR INSPECTORS OF ACCOUNTS ON THE NORTH WESTERN RAILWAY.

925. ***Mr. Muhammad Anwar-ul-Azim:** (a) Is it a fact that in spite of the pay, allowances and grades of the junior Inspectors of Accounts on the North Western Railway, having all been reduced since the separation of audit from accounts, the question of their retrenchment is still being considered? If so, why?

(b) Is it a fact that only one Inspector of Station Accounts was retrenched on the East Indian Railway? Is it a fact that they are mostly Europeans and Anglo-Indians?

Mr. P. R. Rau: (a) The question of retrenchment has nothing to do with the revised scales of pay introduced for freshly employed staff on the separation of audit from accounts. I understand that by certain changes in procedure, it is expected that a reduction in staff is possible.

(b) The answer to both parts of the question is in the negative.

Dr. Ziauddin Ahmad: May I know whether the question is still under consideration?

Mr. P. R. Rau: Yes.

CAMBRIDGE UNIVERSITY EXAMINATIONS.

926. ***Mr. Muhammad Anwar-ul-Azim:** (a) Is it a fact that Junior and School Certificate Examinations of the Cambridge University are held in India?

(b) Will Government kindly state the difference between the qualifications of persons who pass the School Certificate Examination of Cambridge University from centres situated in the British Isles and of those who pass the same from Indian Centres?

(c) Will Government kindly state what is the position of the School Certificate Examination of Cambridge University for Government service in India?

Sir Frank Noyce: (a) Yes.

(b) I am not sure what the Honourable Member means by his references to qualifications. The only difference in the conditions applicable to candidates appearing for the examinations is that candidates from India who appear for the School Certificate Examination and are not of European descent are permitted to substitute certain oriental languages for Latin or Greek for the purpose of securing exemption from the Previous Examination of Cambridge University. Students who avail themselves of this concession are not allowed to offer themselves as candidates for the Oriental Languages Tripos.

(c) The School Certificate Examination is ordinarily considered to be equivalent to the Matriculation Examination of an Indian University for purposes of admission to Government service.

QUALIFICATIONS OF ENGINEERS OF THE SUPPLEMENTARY RESERVE AND TERRITORIAL ARMY.

927. ***Mr. Muhammad Anwar-ul-Azim:** Is it a fact that the Army Council decided last year that Associate Membership of the Institution of Structural Engineers is now to be regarded as qualifying Royal Engineer Officer of the Supplementary Reserve and Territorial Army for Engineer pay? Have the necessary instructions giving effect to this decision been issued as amendments to paragraphs 194 (b) and 645 (b) of the Regulations for the Supplementary Reserve and the Territorial Army respectively?

Mr. G. M. Young: Paragraph 194 (b) of the Regulations for the Supplementary Reserve has been amended in the sense indicated by the Honourable Member. I have not seen a recent copy of paragraph 645 (b) of the Regulations for the Territorial Army; but I am prepared to take it from the Honourable Member that it has been similarly amended.

QUALIFICATIONS AND COMMUNITIES OF ENGINEERS IN THE MILITARY ENGINEERING SERVICE.

928. ***Mr. Muhammad Anwar-ul-Azim:** Will Government kindly state the number of Associate Members of the Institution of Structural Engineers, London, serving as Assistant Engineers or Sub-Divisional Officers in the Military Engineering Service in India? How many of them are Muslims, Hindus and Sikhs?

Mr. G. M. Young: The information is being collected, and a reply will be laid on the table.

QUALIFICATIONS AND COMMUNITIES OF ENGINEERS IN STATE RAILWAYS.

929. ***Mr. Muhammad Anwar-ul-Azim:** Will Government kindly state the respective number of graduates and Associate Members of the Institution of Structural Engineers, serving on Indian State Railways in the grade of Executive Engineers, Bridge Engineers, and Assistant Engineers? How many of them are Muslims, Hindus and Sikhs?

Mr. P. R. Rau: Government have no information.

COMMUNITIES OF ENGINEERS IN STATE RAILWAYS.

930. *Mr. Muhammad Anwar-ul-Azim: Will Government kindly state the respective number of Muslim, Christian, Hindu and Sikh Engineers and Inspectors of Works, serving on each of the State Railways in India with the percentage of the total in each case?

Mr. P. R. Rau: The available information is given in the Classified List of State Railway Establishment and in the Classified List of subordinate staff on State Railways, copies of which are in the Library.

QUALIFICATIONS AND COMMUNITIES OF ENGINEERS IN EACH PROVINCE.

931. *Mr. Muhammad Anwar-ul-Azim: Will Government kindly state Province by Province, the respective number of graduates and Associate Members of the Institution of Structural Engineers, London, serving as Engineers? How many of them are Muslims, Hindus and Sikhs?

The Honourable Sir Joseph Bhoré: It is presumed that the question refers to the Engineers employed in the Public Works Department. The information available will be found in the Government of India, Department of Industries and Labour, Public Works Branch, Classified list of establishment corrected up to the 30th June, 1931, a copy of which is in the Library. The Government of India have no information beyond what is contained in this list.

ENGINEERING EXAMINATIONS HELD IN *India.*

932. *Mr. Muhammad Anwar-ul-Azim: (a) Are Government aware that the Associate Membership Examination of the Institution of Structural Engineers, London, is held in India at the Bombay centre and conducted by Mr. R. V. Sabnis of the University of Bombay?

(b) Are Government aware that the Associate Membership Examination of the Institution of Civil Engineers, London, is held in India and took place last year at Delhi and was conducted by Mr. Sykes, M.L.A.?

(c) Will Government kindly state whether they are aware that the School Certificate Examination of Cambridge University, Associate Membership Examination of the Institution of Structural Engineers, London and Associate Membership Examination of the Institution of Civil Engineers, London, which are held in India, are called Correspondence Examinations?

The Honourable Sir Joseph Bhoré: (a), (b) and (c). Government have no information.

STANDARD OF QUALIFICATIONS OF ENGINEERING EXAMINATIONS IN LONDON AND INDIA.

933. *Mr. Muhammad Anwar-ul-Azim: Will Government kindly state the difference between the qualifications of persons who pass the Associate Membership Examination of Structural Engineers, London, or of the Institution of Civil Engineers, London, from centres situated in

the British Isles and of those who pass the same examinations from Indian Centres?

The Honourable Sir Joseph Bhoré: Government have no information.

COMMUNITIES OF ENGINEERS IN THE TELEGRAPH ENGINEERING SERVICE.

934. *Mr. Muhammad Anwar-ul-Azim: Will Government kindly state the number of Engineers in the Telegraph Engineering Service of India? How many of them are Muslims, Hindus and Sikhs?

The Honourable Sir Joseph Bhoré: It is understood that the Honourable Member refers to the superior Telegraph Engineering Service. There are 57 officers in this service of whom one is a Muslim, twenty-one are Hindus and three are Sikhs.

APPOINTMENT OF COMPUTER FOR CALCULATION AND DESIGN OF STRUCTURES IN THE PUBLIC WORKS DEPARTMENT, DELHI.

935. *Mr. Muhammad Anwar-ul-Azim: (a) Is it a fact that in the Delhi Public Works Department the post of Computer for calculation and design of structures was held in abeyance in May, 1931?

(b) Is it a fact that in the Delhi Public Works Department, the post of Computer for calculation and design of structures is now again extended? If so, will Government kindly state:

- (i) what the duties of the post are; and
- (ii) what the works are for which the post is extended?

The Honourable Sir Joseph Bhoré: (a) Yes.

(b) The post has since been abolished.

REDUCTIONS OF APPOINTMENTS OF ASSISTANT DIRECTORS GENERAL, POSTS AND TELEGRAPHS.

936. *Mr. H. B. Fox: (a) Will Government please state whether it is a fact that the Posts and Telegraphs Sub-Committee, mention of Government Advisory Committee in paragraph 106 of the report "Muslims in all-India appointment of Assistant Directors General of Calcutta, dated 23rd emoluments are higher than the kind of "

to these officers demand" and recommend (i) there are 26 Accountants, of officers designated "Assistant Deputy" 1 permanent clerks, there are only

(b) Is it a fact that Government have hands, there is only one Muslim and have given effect to them? any Engineering Service Presidency nment be pleased to lay on the table

Mr. T. Ryan: (a) Yes.

(b) Government have accepted the above proportion of Mussalmans not, what action do they propose to the number of Muslim employees

APPOINTMENT OF DEPUTY DIRECTOR: 937. *Mr. H. B. Fox: (a) Will ans out of eight as shown in the article which guide them in selecting officers charged whereas only 14 non-Muslim General, Posts and Telegraphs? ith discharge notices?

(b) In view of the acceptance by the Government of the recommendations of the Posts and Telegraphs Sub-Committee of the Retrenchment Advisory Committee, have Government considered the advisability of selecting officers other than Assistant Directors General for promotion to Deputy Director Generalship?

Mr. T. Ryan: (a) Promotion to the posts of Deputy Director General, Posts and Telegraphs, is made by selecting those officers in the Post and Telegraph Branches, respectively, of the Department who are considered to be best fitted for the discharge of the duties connected with such posts.

(b) The selection of officers for promotion to Deputy Director Generalship was not confined to officers holding the posts of Assistant Directors General. The latter cadre has, now, however, been abolished.

APPOINTMENT OF DEPUTY DIRECTORS GENERAL, POSTS AND TELEGRAPHS.

938. ***Mr. H. B. Fox:** (a) Is it a fact that recently an Assistant Director General of the Posts and Telegraphs has been promoted to officiate as Deputy Director General?

(b) If the answer to part (a) be in the affirmative, will Government please state why a Deputy Postmaster General was not selected instead of an Assistant Director General?

Mr. T. Ryan: (a) Yes, he has been officiating since the 16th January, 1931.

(b) For the reason given in the reply to part (a) of question No. 937.

ACCOMMODATION OF WOMEN PRISONERS IN THE DELHI JAIL.

939. ***Mr. S. C. Mitra:** (a) Are Government aware that A and B class women-prisoners are being accommodated in an overcrowded insanitary mud plastered barrack in Delhi Jail?

(b) Is it a fact that these prisoners last year were accommodated in a *pukka kothi* fitted with fans which is called the European Ward?

(c) Is it a fact that approvers in the Delhi Conspiracy Case are now being accommodated in the said European Ward?

(c) Will Government propose either to provide better accommodation for the approvers from the European Ward to the School Certificate Examination or to the Apprenticeship Examination of the Government?

Crerar: (a) "A" and "B" class women prisoners are accommodated in a barrack with a spacious courtyard. The barrack is neither whitewashed nor painted.

The Honourable Sir Joseph: no information.

STANDARD OF QUALIFICATIONS TRANSFERRED TO OTHER JAILS WHERE SUITABLE

933. *Mr. Muhammad ANVISION OF FANS IN JAILS.

state the difference between the Associate Membership Examination and the Institution of Civil Engineers. Is it a fact that fans are provided in the European Ward, Central Jail,

(b) Do Government propose to remove any discrimination that may be existing between European convicts and Indian A and B class prisoners in Indian Jails?

The Honourable Sir James Crerar: (a) Yes.

(b) The policy of Government is clearly stated in the communiqué issued on the 19th February, 1930, and is, I believe, being scrupulously followed.

POLITICAL PRISONERS ARRESTED AND RELEASED IN DELHI.

941. ***Mr. S. C. Mitra:** (a) Will Government please state the names of such political prisoners as were arrested in Delhi under the Emergency Power Ordinance and subsequently released?

(b) What were the charges brought against them and under whose orders were they detained?

(c) Why were they let off?

(d) If the evidence justifying their detention was not enough, do Government propose to take action against the authority responsible for the detention?

The Honourable Sir James Crerar: (a) One such case has occurred up to date, that of Nand Lal, son of Matwala Ram of New Delhi.

(b) There were good grounds for believing that he was engaged in objectionable activities within the meaning of section 3 of the Emergency Powers Ordinance. The arrest was made with the knowledge of the Local Government.

(c) He was released on promising to take no part in objectionable activities and to devote himself to his studies.

(d) Does not arise.

PAUCITY OF MUSLIMS IN THE MILITARY ENGINEERING SERVICE, PRESIDENCY AND ASSAM DISTRICT.

942. ***Seth Haji Abdoola Haroon:** (a) Has the attention of Government been drawn to an article under the heading "Muslims in all-India Service", which was published in the *Mussalman* of Calcutta, dated 23rd February, 1932?

(b) Is it a fact that as alleged therein (i) there are 26 Accountants, of whom none is a Mussalman, (ii) out of 211 permanent clerks, there are only seven Muslims and (iii) out of 32 temporary hands, there is only one Muslim in the Accounts Section of the Military Engineering Service Presidency and Assam District? If not, will Government be pleased to lay on the table a statement showing correct figures?

(c) Are Government satisfied that the above proportion of Mussalmans in the above Branch is adequate? If not, what action do they propose to take in the matter so as to increase the number of Muslim employees sufficiently?

(d) Is it correct that three Mussalmans out of eight as shown in the article above-mentioned are going to be discharged whereas only 14 non-Muslim clerks out of 243 have been served with discharge notices?

(e) Are Government prepared to instruct the authorities concerned to cancel the discharge order of three Mussalmans in view of the above facts, as also, for the future, to appoint more Muslims?

The Honourable Sir George Schuster: (a) Yes.

(b) From the figures quoted it appears that the reference is to the total establishment of the Controller of Military Accounts, Presidency and Assam District, and not only to the portions of that establishment attached to Military Engineer Service formations. This office ceased to exist as a separate entity from the 1st January, 1932, but I lay on the table a statement of the total establishment prior to that date and the numbers employed on Military Engineer Service work, with the number of Muslims in each category.

(c) The Military Accounts Department is an all-India Department; the personnel are recruited on an all-India basis and are liable to transfer to any part of India. The proportions of the various communities are therefore regulated on an all-India basis and not on the basis of individual sub-offices, the composition of which varies from time to time. For the Department, as a whole, recruitment is being carried out in accordance with the principles laid down for the redress of communal inequalities.

(d) The reply is in the affirmative so far as Muslims are concerned. The correct number of non-Muslims served with notices of discharge is 21 out of 227.

(e) Government see no need to issue any further orders. The general orders were that in selecting personnel for discharge the proportions of the various communities as they stood before retrenchment should be maintained to the nearest practicable figure. I am satisfied that in the Military Accounts Department, as a whole, effect has been given to those orders.

Statement showing the total establishment, employed in the office of the late Controller of Military Accounts, Presidency and Assam District, on 1st December, 1931, and the number of Muslims included therein.

Category.	Total No.	No. of Muslims.
Accountants	20	..
Permanent clerks	205	7
Temporary clerks	30	1
Total	255	8

Statement showing the Military Accounts Establishment employed in the Accounts Sections attached to the Military Engineer Service formations in the Presidency and Assam District on 1st January, 1932, and the number of Muslims included therein.

Category.	Total No.	No. of Muslims.
Accountants	3	..
Permanent clerks	29	3
Temporary clerks	10	1
Total	42	4

ABOLITION OF THE ECCLESIASTICAL DEPARTMENT.

943. ***Seth Haji Abdoola Haroon:** (a) Is it a fact that the Retrenchment Committee has reported in favour of the total abolition of the Ecclesiastical Department of Government, and, if so, what action do Government propose to take to give effect to the recommendation?

(b) In view of the financial stringency in the country, have Government considered the question of the total abolition or considerable reduction in the strength of the Ecclesiastical Department, and if so, what decision have Government arrived at on the question?

The Honourable Sir George Rainy: (a) and (b). I would refer the Honourable Member to my reply to a similar question No. 866 by Mr. Gaya Prasad Singh on the 23rd March, 1932.

REDUCTIONS OF SALARIES AND ALLOWANCES, ETC. OF IMPERIAL SERVICES.

944. ***Seth Haji Abdoola Haroon:** In view of the financial stringency in the country, have Government considered the question of the permanent reduction in the salary, allowances, leave rules and pensions of the Imperial services, and if so, what decisions have been reached on the question?

The Honourable Sir George Schuster: In regard to present incumbents of the Services I would refer the Honourable Member to the statements I have already made upon this question in this House. In regard to future entrants to the various Services, the question of revision of terms of service is now under consideration, but it must take some time before final conclusions can be reached.

STATUS OF HEADMASTERS IN RAILWAY SCHOOLS.

945. ***Mr. M. Maswood Ahmad:** (a) Is it a fact that both the Principal and the Headmaster of the Oakgrove School are in the Railway officers' grade and are treated as gazetted officers in the matter of all privileges?

(b) Is it a fact that not a single Headmaster of the East Indian Railway Indian High Schools has the status of a gazetted Railway officer?

(c) In what cadre of the Railway service are the Headmasters of the East Indian Railway Indian High Schools included?

(d) Is it a fact that some two years ago these Headmasters were given the pay and status of Provincial Service officers?

(e) Is it a fact that in the East Indian Railway, employees having the same pay and grade as these Headmasters now have, are not treated as gazetted officers but only as upper subordinates?

(f) Are Government prepared to remove this anomaly and treat the Headmasters of the Indian High Schools as Railway gazetted officers in all respects except pay?

Mr. P. B. Rau: (a) The post of Principal, Oakgrove School, is in the superior service, but not the post of Headmaster.

(b) Yes.

- (c) These posts are in the subordinate grade.
 (d) Their pay was brought into line with the rates of pay of teachers in Provincial Government Schools of equivalent standard.
 (e) Yes.
 (f) No. Government do not think there are sufficient grounds for making the change suggested.

Dr. Ziauddin Ahmad: May I ask what, in the case of High Schools, is the difference between the duties of a Principal and of a Headmaster?

Mr. P. R. Rau: I am not sure what exactly is the difference in the duties: probably the Principal attends to the administrative side.

Dr. Ziauddin Ahmad: In the case of High Schools, you have got the post of Principal for administrative work and the post of Headmaster for teaching work in these days of retrenchment when the Railway Budget is in a frightfully bad condition, and may I ask why there should be two posts? I want to know whether it is not an expensive luxury to have two officers for a High School, one a Principal for administrative work and another a Headmaster for teaching work?

Mr. P. R. Rau: I will have that point considered Sir, but as I have already told the House, I am not aware what are the specific duties of the Principal and of the Headmaster.

PROMOTION OF ROUTINE CLERKS IN THE SECRETARIAT.

946. ***Mr. K. Ahmed:** Will Government be pleased to state:

- whether in the Imperial Secretariat Departments clerks are promoted from the Third (Routine) to Second Division and Second to special grade and First Division; if so, how; if not, why not;
- whether men are recruited direct in the Second and First Divisions or promoted from Third Division; if the former, why; if the latter, what special merit and capacity are required for such promotions;
- whether a clerk in the Third (Routine) Division performing the duties of diarising, despatching and typing can be promoted to the higher or special grades; if so, how do they get the opportunity to qualify themselves for such promotions; if not, why not;
- whether the duties referred to at (c) above are of less importance and do not establish one's claim for promotion to the higher or special grades; if so, how and why;
- how many such promotions came into effect in each Department since 1928;
- how many clerks in the Third and Second Divisions in each Department are drawing the maximum pay of their grade and have not been promoted to the next higher grades and for what reasons;

- how the orders contained in Home Department, Office Memo. No. F-80/27-Est., dated 8th August, 1927—regulating promotions—have been applied to in cases of those referred to above;
- why clerks in the Second Division drawing the maximum pay of their grade having less than 25 years' permanent service at their credit should not be promoted to the special or higher grades as a matter of course; and
- what is the object of fixing 25 years' permanent service limit for promotion to the special grade of the Second Division?

The Honourable Sir James Crerar: (a) to (d). Under the rules for recruitment to the clerical staff of the Government of India, Secretariat, appointments to the First and Second Divisions are made partly by direct recruitment and partly by departmental promotion. Routine Division men who are promoted to the Second Division under these rules are eligible for promotion to the Special Grade of that Division if they fulfil the conditions laid down for such promotion and are also eligible for promotion to the First Division if they are considered fit to perform its duties. The test for such promotion is their ability to do more important work, than that allotted to the routine division. I am not prepared to undertake a general definition of merit and capacity but in practice it is not difficult to decide whether a Third Division clerk is or is not fit for promotion to a higher Division.

(e) to (g) The information is not readily available and in view of the time and labour involved in collection I feel unable to impose this labour on Departments.

(h) and (i). The Special Grade in the Second Division is intended to reward men who have rendered long and meritorious service but have no chances of promotion to the First Division. The object would be defeated if the Honourable Member's suggestions were accepted.

CONFLICTING INTERPRETATIONS UNDER THE COURT FEES ACT.

947. ***Diwan Bahadur Harbilas Sarda** (on behalf of Mr. Jagan Nath Aggarwal): (a) Are Government aware that contradictory and conflicting interpretations have been put by the different High Courts in India, on Articles 4-5, Schedule 1, of the Court Fees Act, 1870?

(b) Are Government aware that while the Bombay and Madras High Courts' interpretation of the said articles (*vide* I. L. R. 4, Bombay, page 26 and I. L. R. 50, Mad. 488), is liberal and favourable to the subject, that of the Allahabad and Calcutta High Courts (*vide* I. L. R. 31 All. 294 and I. L. R. 57, Calcutta 679) has made the filing of a review petition more expensive than an appeal or a plaint for the identical relief in some cases?

(c) If the reply to the above be in the affirmative, what steps do Government propose to take to remove this conflict and make the application of this provision of the Court Fees Act uniform throughout British India?

The Honourable Sir James Crerar: (a) and (b). Government are aware of the conflict of judicial opinion disclosed in the cases to which Honourable Member refers.

(c) The matter is primarily one for local Legislatures, and I would refer the Honourable Member to the answers given in this House to questions Nos. 757—761 on the 23rd September, 1931, by Pandit Ram Krishna Jha. As pointed out therein "Judicial Stamps" is, under the Devolution Rules, 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, and certain local Legislatures have passed Acts amending the Schedules to the Court Fees Act, 1870. For the reasons explained in my reply to question No. 761 referred to above Government do not propose to undertake legislation for prescribing a uniform scale of court fees for the whole of India.

ESTABLISHMENT OF A TUBERCULOSIS SANATORIUM AT ABBOTTABAD.

948. *Khan Bahadur Haji Wajihuddin: (a) With reference to the reply given by Government to question No. 410, asked by me, on the 27th March, 1931, will Government be pleased to state if the Local Administration has considered the advisability of establishing a sanatorium like that at Dharampur in a suitable place near Abbottabad for accommodating and treating tuberculosis patients who frequent Abbottabad in the summer and who, it is proposed, are to be prevented from coming to Abbottabad in future and taking advantage of the cold climate?

(b) Do Government propose to consider the desirability of:

- (i) meeting the expenditure required for a sanatorium by obtaining an adequate share of contributions from the funds of the Municipalities of the five Districts of the Province,
- (ii) arranging in the meantime for a temporary camp for the use of the patients in the next summer at a selected place,
- (iii) avoiding the legitimate complaints of people of the country against the Government orders banning the visits of the patients to Abbottabad, and
- (iv) deputing a selected experienced I.M.S. Muslim officer to hold charge of the sanatorium?

Sir Frank Noyce: (a) Government have considered the question of establishing a sanatorium at Haripur, but have not been able to give effect to the scheme owing to financial stringency.

(b) No; in view of the impending constitution of the North-West Frontier Province as a Governor's province.

PROVISION OF AN ELECTED BOARD FOR PESHAWAR CANTONMENT.

949. *Khan Bahadur Haji Wajihuddin: With reference to the reply given by Government to unstarred question No. 227 asked by me on the 23rd February, 1931, will Government be pleased to state if they have considered the report received from the Local Administration and, if so, whether they propose to give Peshawar Cantonment an elected Board especially on the province becoming a Governor's Province with a Provincial Council working with effect from the 15th April, 1932?

Mr. G. M. Young: The attention of the Honourable Member is invited as regards both points in his question, to the reply which I gave on the 15th September, 1931, to his starred question No. 307.

INCORRECT LISTS OF VOTERS IN THE NORTH-WEST FRONTIER PROVINCE.

950. *Khan Bahadur Haji Wajihuddin: (a) Will Government be pleased to state if they are aware that:

- (i) the inhabitants of the North-West Frontier Province, bitterly complain that thousands of names of voters have been left out when their lists were prepared; and
- (ii) it was absolutely impossible for them to know the omission in time, leave their zamindari work and have the lists of their constituencies corrected in the inadequate number of days allowed for the purpose?

(b) If the replies to the above questions be in the affirmative, do Government propose to give them more time to have the lists corrected and avoid their complaints?

The Honourable Sir George Rainy: (a) and (b). Government have received no complaints and are not aware of any popular dissatisfaction or of any desire to postpone the inauguration of the provincial Legislature in order to revise the electoral registers.

The elections in the North-West Frontier Province are being conducted by the Local Government according to rules and regulations under section 72A of the Government of India Act, a section at present in force in that province. It will be for the local Legislature to raise discussion on matters arising out of the electoral procedure.

Dr. Ziauddin Ahmad: Are Government aware of the fact that in the North-West Frontier Province there had been an abnormally large number of revision applications and much more than in any other province?

The Honourable Sir George Rainy: I am indebted to my Honourable friend for the information.

Maulvi Muhammad Shafee Daoodi: Are the Government aware that there is no method of bringing the complaints of the people to the notice of the Local Government except through this Assembly?

The Honourable Sir George Rainy: I find it very difficult, Sir, to accept that statement. I should have thought that there must be means of communicating complaints to the Local Government. I presume that objections to the electoral rolls are sent in according to the procedure in force.

Mr. N. M. Joshi: May I ask, Sir, whether Government will ascertain whether there is discontent in the North-West Frontier Province amongst those people whose names have not been entered on the electoral role?

The Honourable Sir George Rainy: Government have no information to that effect.

Mr. N. M. Joshi: May I ask whether Government will inquire in the matter?

The Honourable Sir George Rainy: I do not find sufficient reason to institute an inquiry.

Maulvi Muhammad Shafee Daoodi: In view of the questions put in the Assembly, will Government be pleased to recommend to the Local Government to see that the complaints which are now made, say, within a week's time, are heard by the officials?

The Honourable Sir George Rainy: I shall be much indebted to my Honourable friend, if he will communicate to me any information he has as to complaints. In that case I shall be glad to make inquiries and bring the matter to the notice of the Local Government.

SETTLEMENT OF THE COMMUNAL PROBLEM.

951. ***Maulvi Muhammad Shafee Daoodi:** (a) Has the attention of Government been drawn to the proceedings of the Consultative Committee held on the 22nd February, 1932, and the conclusion to which the Chairman of the Committee came in regard to the immediate decision of the communal question?

(b) Are Government aware that the speech of the Secretary of State made in the House of Commons on February 29th, 1932, relating to the communal problem has not satisfied the Mussalmans of India?

(c) Are Government aware that a session of the All-India Muslim Conference was held at Lahore on the 20th March, 1932, and that therein the Muslim leaders who were at the Round Table Conference were expected to justify their policy so far?

(d) Are Government aware that an overwhelming majority of the politically-minded Mussalmans of India are exasperated at the attitude of Government in the matter and are anxiously considering how best they might demonstrate their anxiety for immediate decision of the communal problem?

(e) Do Government propose immediately to allay the apprehensions of the Mussalmans of India by announcing their decision of the communal problem?

The Honourable Sir George Rainy: I would invite the attention of the Honourable Member to the statement issued by His Majesty's Government on the 19th of March, 1932, a copy of which is laid on the table.

The following communiqué was issued today:

"His Majesty's Government have taken note of the inability of the Consultative Committee of the Round Table Conference to undertake the settlement of the Indian communal problem and of the Committee's request, transmitted by His Excellency the Chairman, that a decision should be given by His Majesty's Government. In his statement, made to the Round Table Conference on December 1, the Prime Minister speaking on behalf of His Majesty's Government, found it necessary to use the following language:

"I desire to warn you that if the Government have to supply, even temporarily, this part of your constitution, which you are unable to supply for yourselves, and though it will be our care to provide the most ample safeguards for the minorities so that none of them need feel that they have been neglected, it will not be a satisfactory way of dealing with the problem".

"Let me also warn you that if you cannot come to an agreement on this among yourselves, it will add considerably to the difficulties of any Government here which shares our views of an Indian constitution, and it will detract from the place which that constitution will occupy amongst those of other nations".

"This being the attitude of His Majesty's Government towards this problem, they have naturally received the information just referred to with great regret. They have been informed that the absence of a communal agreement is now impeding progress with the programme indicated in the Prime Minister's statement of December.

"In these circumstances, His Majesty's Government think it well to reiterate the pledge which the Prime Minister gave in the same statement, that, in the event of the failure of the communities to present a settlement acceptable to all parties as the foundation upon which to build, His Majesty's Government were determined that even this disability should not be permitted to be a bar to the progress, and that they would be compelled to apply a provisional scheme.

"His Majesty's Government desire to make it plain that they realise the responsibilities involved in this undertaking, and will not fail to discharge them. They are engaged in a careful re-examination of the difficult and controversial questions which arise, and it is their firm intention that there shall be no avoidable delay."

Maulvi Muhammad Shafee Daoodi: Are Government aware that the announcement made by His Majesty's Government on the 19th March has also not satisfied the Muslim public?

The Honourable Sir George Rainy: That, Sir, I think is a question of opinion.

Mr. K. P. Thampan: Are Government aware that the politically minded Hindus are considerably excited over the fact that the Government propose to give 33½ per cent. of the seats to the Indian States, 33½ per cent. to Muslims, 10 per cent. to Europeans and other vested interests, 10 per cent. to the minorities and so on and that Hindus come nowhere in the future Constitution?

The Honourable Sir George Rainy: No, Sir, I am not aware of that.

Dr. Ziauddin Ahmad: May I say, Sir, that this division which has just been mentioned is what is known in logic as a cross division

Mr. President: Order, order.

INTRODUCTION OF THE CONTRACT SYSTEM IN THE CASH AND PAY DEPARTMENT OF THE EAST INDIAN RAILWAY.

952. ***Mr. S. C. Mitra:** (a) Will Government please state (i) whether a couple of years ago the question of introducing the contract system in the Cash and Pay Department of the East Indian Railway was considered, but given up, and (ii) whether it is again proposed to hand over the Cash and Pay Department of the East Indian Railway to a Lahore contractor?

(b) If the reply to the above questions be in the affirmative, will Government please state (i) whether public tenders have been called for again and if so, in what newspaper and when, and (ii) whether the contractor to whom it is proposed to hand over the Cash and Pay Department of the East Indian Railway has tendered for the contract along with others?

(c) If the reply to part (b) be in the negative, will Government please state (i) why public tenders have not been invited, and (ii) why it is proposed to give the contract to a particular contractor in preference to others?

Mr. P. R. Rau: (a) (i) The question of introducing the contract system in the Cash and Pay Department of the East Indian Railway has been under consideration for some time. Tenders were invited in 1929, and

the lowest tender was accepted by Government, but at a later stage when details of arrangements were under consideration, the proposal fell through.

(a) (ii) The question is under consideration, but no decision has yet been arrived at.

(b) and (c). Government consider that no useful purpose will be served by inviting fresh tenders.

INTRODUCTION OF THE CONTRACT SYSTEM IN THE CASH AND PAY DEPARTMENT OF THE EAST INDIAN RAILWAY.

953. ***Mr. S. C. Mitra:** Are Government aware that the Royal Commission on Labour have, in their report dealing with the question of Indian State Railways, strongly condemned the system of cash contract on Indian Railways? If so, will Government please state whether the recommendation of this commission is being given effect to in the case of the Cash and Pay office, East Indian Railway? If not, why not?

Mr. P. R. Rau: Government are aware of the opinion of the Royal Commission on Labour, and will give due consideration to it when arriving at a decision.

REPLACEMENT OF THE CONTRACT SYSTEM ON THE BENGAL NAGPUR RAILWAY BY THE DEPARTMENTAL SYSTEM.

954. ***Mr. S. C. Mitra:** Is it a fact that till recently a contract system was enforced on the Bengal Nagpur Railway but has since been replaced by the departmental system? Will Government please state why the departmental system has been introduced on the Bengal Nagpur Railway in place of the contract system?

Mr. P. R. Rau: A departmental system was I believe introduced in the Cash and Pay Department of the Bengal Nagpur Railway in 1928 as a result of certain frauds discovered there.

INTRODUCTION OF THE CONTRACT SYSTEM IN THE CASH AND PAY DEPARTMENT OF THE EAST INDIAN RAILWAY.

955. ***Mr. S. C. Mitra:** Will Government please state what will become of the hundreds of employees at present employed in the Cash and Pay Department of the East Indian Railway, if and when the department is handed over to a contractor and what special advantages are likely to result from the introduction of the contract system in place of the departmental system, which has been in existence on the East Indian Railway ever since the Railway was constructed?

Mr. P. R. Rau: As I have already informed the House, no decision has yet been arrived at on the question, but if it is finally decided to adopt the contract system, the question of finding employment for the existing staff will be one of the questions that will receive most careful consideration from Government.

VISIT TO KALIMPONG OF MR. STRONG, COMMISSIONER OF INCOME-TAX, BENGAL.

956. ***Mr. S. C. Mitra:** (a) Will Government please refer to the answer given by the Honourable Sir George Schuster to parts (a), (b) and (c) of unstarred question No. 15, dated 3rd February, 1932, in which it

has been asserted that it is "an erroneous assumption" that Mr. Strong, Commissioner of Income-Tax, Bengal, visited Kalimpong on recess, and reconcile the same with the answers given in the Council of State on 21st September, 1931, by the Honourable Mr. A. H. Lloyd to questions 109 and 110, and particularly to parts (b) and (d) of question 110 which amounts to a positive admission of the fact that Mr. Strong visited Kalimpong on recess?

(b) Do the Government agree that the statements made by the Honourable Mr. A. H. Lloyd and the Honourable Sir George Schuster as referred to above are contradictory? If so, will they please state which of them is correct, and who is responsible for the other incorrect statement? If the former's statement is correct, will Government please now give an answer to parts (a), (b), (c) and (e) of Assembly unstarred question No. 15, dated 3rd February, 1932? If, on the other hand, the latter's statement is correct, will Government please state the circumstances under which Mr. Strong was away from his Headquarters and stayed for about a month at the hill station of Kalimpong where he proceeded direct from his inspection at Jalpaiguri, as admitted by the Honourable Mr. A. H. Lloyd in his answer to Council of State question No. 109(d), dated 21st September, 1931?

(c) Will Government please further refer to their answer to part (d) of the unstarred Assembly question No. 15, dated 3rd February, 1932, which amounts to an admission of the fact that Mr. Strong recessed at Kalimpong for a month, and reconcile the same with the answers given by them to parts (a), (b) and (e) of the same question in which it has been asserted that Mr. Strong did not visit Kalimpong on recess?

The Honourable Sir George Schuster: (a) and (b). The statement that I made in reply to the Honourable Member's previous question amounts to a partial correction of the reply given by Mr. Lloyd in the Council of State in which by inadvertence "recess" was referred to. To this extent the replies may be said to be contradictory. The statement that I gave was correct. Mr. Strong visited Kalimpong in May on casual leave after making an inspection at Jalpaiguri. Owing to ill-health, he had to remain at Kalimpong for 28 days in all, of which 19 days were working days. After the first ten days, which was the period for which he had originally intended to take casual leave, he disposed of official work.

(c) I cannot understand how the Honourable Member can construe my reply to part (d) of his question as involving an admission that Mr. Strong visited Kalimpong on recess seeing that I had stated categorically my reply to parts (a), (b) and (e) of the question that the visit to Kalimpong in May was not made on recess.

SANITARY AMENITIES FOR KAROL BAGH, DELHI.

957. ***Mr. S. C. Mitra:** (a) Will Government be pleased to give reasons as to why ordinary amenities of life, viz., drainage, filtered water, metalling and levelling of roads and lanes, name boards on them, indication boards, etc., have not been provided in Karol Bagh (a part of Western extension)? Is it a fact that the people of that place are paying ground rent (now to Nazul Department from the 1st October, 1925), and all the other municipal

taxes, viz., house tax, octroi tax, wheel tax, etc., according to the laws of the city since 1914? How do Government propose to compensate the inhabitants of that place who have passed their 18 years out of the ninety years lease granted by Government?

(b) Is it a fact that the Delhi Municipality dump night soil, refuse of the city, etc., and bury dead animals in the vicinity of this area, and if so, are Government aware that this results in a foul and unhealthy atmosphere for the people of that place? What action has been taken by Government in this connection?

Mr. G. S. Bajpai: (a) Drainage and water supply schemes for Karol Bagh have been worked out, but are held in abeyance on account of financial stringency. Meanwhile everything that can be done with available resources is being done to ameliorate the conditions of life there. The income from direct taxation from that area does not exceed Rs. 8,000 a year, while the Municipal Committee is spending about Rs. 38,000 a year on the maintenance of essential services. The question of granting compensation scarcely arises as the improvements referred to by the Honourable Member are held up for causes over which the authorities concerned have no control.

(b) Government are informed that night soil and refuse of the city are not being dumped in Karol Bagh. Only the local product I understand is dumped close by. The number of dead animals, which are buried at a distance of three quarters of a mile from the locality, is small and the Health Officer states that the inhabitants of the area are in no way being inconvenienced.

NUMBER OF MUSLIMS AND SIKHS IN THE ROYAL AIR FORCE HEADQUARTERS.

958. ***Maulvi Sayyid Murtuza Saheb Bahadur:** (a) Will Government kindly state:

- (i) the total number of permanent Superintendents, assistants and clerks in the Royal Air Force Headquarters;
- (ii) the number of members of the minority communities among them; and
- (iii) the number of Muslims and Sikhs among those referred to above?

(b) Is it a fact that the number of Sikhs in the Royal Air Force Headquarters ministerial establishment is greater than that of Muslims? If so, will Government please explain their reasons for keeping the number of Muslims below that of Sikhs?

Mr. G. M. Young: (a) (i) Superintendents 4, assistants 11, and clerks 43. Twelve appointments are intended for, and held by, airmen and ex-airmen.

(ii) Superintendents, none, assistants 2 and clerks 15.

(iii) Superintendents—Muslims and Sikhs, none, assistants, Muslim 1 and Sikh 1, clerks, Muslims 7 and Sikhs 5.

(b) The answer to the first part of the question is in the negative. The second part, therefore, does not arise.

CRITERIA FOR APPOINTMENT OF VARIOUS COMMUNITIES TO GOVERNMENT SERVICES.

959. ***Maulvi Sayyid Murtuza Saheb Bahadur:** Do Government take into consideration the total numerical strength of the various communities in the population of the country in making allotments to the various services? If not, will they state what are their criteria for making appointments and how they make up communal inequalities?

The Honourable Sir James Crerar: The numerical strength of communities whose representation in the services is desired under the orders of February, 1926 is taken into general consideration in broadly deciding whether a community is under-represented or not, but as has been stated on many occasions no definite percentage has been fixed for the representation of any minority community. The second part of the question does not therefore arise.

DISCHARGE OF A MUSLIM CLERK FROM THE ROYAL AIR FORCE HEADQUARTERS.

960. ***Maulvi Sayyid Murtuza Saheb Bahadur:** (a) Is it a fact that a Muslim clerk was recently discharged by the Royal Air Force Headquarters on the plea of his not having been able to pass the examination of the Public Service Commission, and that the vacancy held by him had been filled by a non-Muslim?

(b) If the reply to the above is in the affirmative, will Government please state:

- (i) whether the Muslims are at present adequately represented in the ministerial establishment of the Royal Air Force Headquarters;
- (ii) if not, why a temporary unpassed Muslim clerk has been discharged without being given an opportunity to qualify himself or without being replaced by a qualified Muslim; and
- (iii) what steps Government have taken during the last 12 months in connexion with the recruitment of Muslims in the Royal Air Force Headquarters to remove the inadequacy in their representation and what steps in this direction they propose to take hereafter?

Mr. G. M. Young: (a) The clerk was discharged because he was unqualified and was employed temporarily in a post not intended for a member of his community.

(b). (i) Yes. There are 8 Muslims in a total establishment of 46 Indians.

(ii) and (iii). Do not arise.

ELECTION TO THE STANDING FINANCE COMMITTEE.

Mr. President: I have to inform the Assembly that the following fourteen Members have been elected to the Standing Finance Committee for the financial year 1932-33, namely:

1. Mr. G. Morgan.
2. Mr. B. Sitaramaraju.
3. Mr. N. N. Anklesaria.
4. Rai Bahadur S. C. Mukherjee.
5. Sardar G. N. Mujumdar.
6. Mr. J. Ramsay Scott.
7. Dr. Ziauddin Ahmad.
8. Major Nawab Ahmed Nawaz Khan.
9. Mr. Muhammad Muazzam Saheb Bahadur.
10. Dewan Bahadur Harbilas Sarda.
11. Mr. Gaya Prasad Singh.
12. Sirdar Harbans Singh Brar.
13. Lala Rameshwar Prasad Bagla.
14. Mr. S. G. Jog.

ELECTION TO THE STANDING COMMITTEE ON EMIGRATION.

Mr. President: I have to inform the Assembly that the following eight non-official Members have been elected to sit on the Standing Committee on Emigration, namely:

1. Rao Bahadur B. L. Patil.
2. Sir Abdullah Suhrawardy.
3. Mr. H. B. Fox.
4. Mr. N. M. Joshi.
5. Bhai Parma Nand.
6. Khan Bahadur Maulvi Rafiuddin Ahmad.
7. Rao Bahadur M. C. Rajah.
8. Lieutenant-Colonel Sir Henry Gidney.

STATEMENTS LAID ON THE TABLE.

RECRUITMENT OF MUSLIMS IN THE OFFICE OF THE DEPUTY ACCOUNTANT-GENERAL, POSTS AND TELEGRAPHS, DELHI.

The Honourable Sir George Schuster (Finance Member): I lay on the table the information promised in reply to starred question No. 749, asked

(2490)

by Mr. M. Maswood Ahmad on the 14th March, 1932, regarding recruitment of Muslims in the office of the Deputy Accountant-General, Posts and Telegraphs, Delhi.

(a) 37 appointments to temporary posts in the lower division and six appointments to the Sorters' cadre have recently been made in the office of the Deputy Accountant-General, Posts and Telegraphs, Delhi.

(b) No. The correct number of minority community men appointed to posts in the lower division is 11. Out of these, 8 are Muslims, 2 Sikhs and one Christian. One more post was offered to a Muslim but he failed to join immediately. The post has, however, been reserved for a Muslim and will be filled up shortly. In the Sorters' cadre, both the posts open to the minority community were filled up by Muslims.

(c) Does not arise as the communal proportion has been maintained in accordance with the orders of Government.

PLATFORMS, THE ERECTION OF WHICH HAS BEEN CONDONED IN AMBALA CANTONMENT.

Mr. G. M. Young (Army Secretary): I lay on the table the information promised in reply to parts (a) and (d) of starred question No. 368, asked by Sirdar Sohan Singh on the 15th February, 1932, regarding platforms the erection of which has been condoned in the Ambala Cantonment.

(a) Yes.

(d) As complete records of all platforms condoned under the orders of 1926 are now available in the General Land Register of the Cantonment, Government do not propose to take any action in the matter.

THE HINDU-MUHAMMADAN HIGH SCHOOL, AMBALA CANTONMENT.

Mr. G. M. Young: I lay on the table the information promised in reply to starred questions Nos. 555 and 557, asked by Bhai Parma Nand on the 29th February, 1932, about the Hindu-Muhammadan High School, Ambala Cantonment.

Question No. 555.

(a) Yes.

(b) I am informed that the estimated liabilities of the school amount to about Rs. 11,400.

(c) Yes.

Question No. 557.

(a) The maintenance of a high school by a Cantonment Authority is discretionary under section 117 (d) of the Cantonments Act, 1924.

(b) I am informed that the Cantonment Authority have nothing on record to this effect; a memorial received by them protesting against the enhancement of the present house scavenging tax contained a reference to the School.

GOVERNMENT SERVANTS MURDERED IN COMMUNAL AND POLITICAL DISTURBANCES.

The Honourable Sir James Crerar (Home Member): I lay on the table the information promised in reply to starred question No. 1059, asked by Kunwar Haji Ismail Ali Khan on the 29th September, 1931, regarding Government servants murdered during communal and political disturbances during the last five years.

Government servants murdered during communal and political disturbances.

Name of the servant.	Scale of his salary.	Period of his service.	What compensation or other facilities have been given to his family.	Remarks.
1	2	3	4	5
	Rs.	Y. M. D.		
*Lt.-Col. H. T. Morshead, D.S.O., R.E.	Was officiating in Rs. 2,200—50—2,400 plus overseas pay at £13-6-8.	29 5 0	Under consideration by the Government of India.	
Narain, porter "F" Division, Railway Mail Service, Nagpur.	18	2 0 0	The question of granting a compassionate gratuity to the mother of the deceased is under consideration.	
Said Ahmad Ab-basi, clerk, Lucknow P. O.	45—5—145	2 6 20	None. (The official was killed while he was out on private business.)	
B. Madan Behari Lal, Head Clerk, Nawabganj (Cawnpore).	45—5—145	19 9 8	The question of granting an extraordinary pension to the widow of the deceased is under consideration.	
Chhotey Lal, postman, Cawnpore Head Office.	23—1—43	19 1 3	Do.	
Keshav Hirba Parab, postman.	30—1—50	7 4 25	No compensation was granted.	
Mahamdoo, peon.	15—1—20	About 21 years.	Compassionate gratuity of Rs. 84 was granted.	

*This case has been classed by the Police and C. I. D. as undetected.

Name of the servant.	Scale of his salary.	Period of his service.	What compensation or other facilities have been given to his family.	Remarks.
1	2	3	4	5
	Rs.	Y. M. D.		
Oudhbehari Singh, Sorting postman.	22—40	4 11 4	Extraordinary pension of Rs. 10 a month to the widow was given.	
Rikhi Ram, postman, Lahore Head Office.	23—1—43	3 1 0	The question of granting the dependents of the deceased a compassionate gratuity is under examination.	
Mr. D. B. Murphy.	650 plus £15 Special Overseas Pay.	6 6 6	An extraordinary pension of £150 per annum and a gratuity of £200 was granted to the widow mother of the deceased.	
Sepoy Khan Mohd., 2/15 Punjab Regiment.	16 p. m.	1 9 1	Father granted a family pension of Rs. 8 p. m.	Died of gunshot wounds received in action against rebels at Taungnyogale on 13th May, 1931.
Subedar Labya Tang, 3/20th Burma Rifles.	160 p. m.	16 0 0	Family pension of Rs. 50 p. m.	Killed. Shot through the heart by rebels on 21st May, 1931, in Chuchaung, while employed with the Battalion in aid of the civil power.
Rifleman Hyaukan La, 3/20th Burma Rifles.	18 p. m.	6 0 0	Family pension of Rs. 8 p. m.	Died of gunshot on 17th May, 1931, during night alarm at Thayetmyo while employed with the Battalion in aid of civil power.
Regimental Sergeant-Major J. W. Farrell.	410-9-0 p. m. (31 days).	21 8 3	Family pension of 27 shillings a week.	Murdered by revolutionaries who attacked and burnt the Assam Bengal Railway Battalion A. F. (I.) Armoury at Chittagong on the night of 18th April, 1930.

Name of the servant.	Scale of his salary.	Period of his service.	What compensation or other facilities have been given to his family.	Remarks.
1	2	3	4	5
Watcher Ghulam Jilani.	Rs. 31 p. m. plus pension of Rs. 5 p. m.	Y. M. D. 10 years in Indian Army. 2 months in Corps of Watchers.	Rs. 6 p. m. to father.	Murdered by revolutionaries who attacked and burnt the Assam Bengal Railway Battalion A. F. (I.) Armoury at Chittagong on the night of 18th April, 1930.
Watcher Miron Buksh.	31 p. m. plus pension of Rs. 8 p. m.	10 years and 8 months in Indian Army. 2 years in Corps of Watchers.	Family pension of Rs. 10 p. m.	Do.
Captain F. Ashcroft, 6/13th F. F. Rifles.	840 p. m.	10 6 26	Nil (was unmarried).	Killed in action near Domel, Bannu District, on 24th August, 1930, whilst in aid of the civil power.
Naik Mohamed Yar, 6/13th F. F. Rifles.	24 p. m.	12 1 7	Family pension of Rs. 6 p. m. Children's allowance for 2 children at Rs. 2 p. m. each.	Do.
Lance Naik Jalal Khan, 6/13th F. F. Rifles.	21 p. m.	9 11 27	Do.	Do.
Lance Naik Suleman Ali, 6/13th F. F. Rifles.	21 p. m.	10 0 21	Do.	Do.
Lance Naik Sajawal Khan, 6/13th F. F. Rifles.	21 p. m.	14 2 8	Family pension of Rs. 8 p. m.	Do.
Sepoy Wali Mohammed, 6/13th F. F. Rifles.	19 p. m.	9 9 23	Do.	Do.
Sepoy Abdul Aziz, 6/13th F. F. Rifles.	18-8-0 p. m.	3 3 12	Do.	Do.
Sepoy Yakub Khan, 6/13th F. F. Rifles.	18-8-0 p. m.	3 7 22	Do.	Do.

Name of the servant.	Scale of his salary.	Period of his service.	What compensation or other facilities have been given to his family.	Remarks.
1	2	3	4	5
Sepoy Raja Khan, 6/13th F. F. Rifles.	Rs. 18-8-0 p. m.	Y. M. D. 9 11 26	Family pension Rs. 8 p. m. Children's allowance for one child at Rs. 2 p. m.	Killed in action near Domel, Bannu District, on 24th August, 1930, whilst in aid of the civil power.
Havildar Roshan Khan, 4/12th F. F. Regiment.	30-5-0 p. m.	14 10 15	Family pension Rs. 8 p. m. Children's allowance Rs. 2 p. m.	Killed in action in Waziristan on 12th July, 1930. Disturbance with Mahsuds.
Lance Naik Hazara Singh, 4/12th F. F. Regiment.	22-6-0 p. m.	10 7 0	Family pension Rs. 8 p. m. Children's allowance Rs. 2 p. m.	Killed in action in Waziristan on 12th July, 1930. Disturbance with Mahsuds.
Lieutenant G. E. H. Hawkes.	680 p. m.	8 0 0	Nil (was unmarried).	Murdered at Landi Kotal on night of 24/25th February, 1930, probably by robbers, but the motive is actually unknown.
Private H. Bryant, Royal Tank Corps.	5sh. per day	6 0 24	Joint pension of 10s. 6d. a week to mother and father.	Killed in Peshawar City on 23rd April, 1930, whilst in aid of civil power.
Trooper T. F. Stone, 15/19th Hussars.	2s. 3d. a day.	3 2 20	Nil.	Killed in action against Afridis south-west of Peshawar on 5th June, 1930.
Jemadar Rahim Bux Khan, The Poona Horse.	110 p. m.	23 8 0	Pension of Rs. 25 p. m. to widow, children's allowance for two children at Rs. 4 p. m.; gratuity of Rs. 600.	Killed in action against Afridis on 9th August, 1930.
Sowar Nur Mohammad Khan, The Poona Horse.	21 p. m.	9 8 29	Family pension of Rs. 8 p. m. Children's allowance for two children at Rs. 2 p. m. each.	Do.
Daffadar Abdul Karim Khan, The Poona Horse.	37 p. m.	16 6 16	Family pension of Rs. 8 p. m. Children's allowance for 4 children at Rs. 2 p. m. each.	Do.

Name of the servant.	Scale of his salary.	Period of his service.	What compensation or other facilities have been given to his family.	Remarks.
1	2	3	4	5
Sowar Chittar Singh, The Poona Horse.	Rs. 20 p. m.	Y. M. D. 4 10 19	Family pension of Rs. 8 p. m. to mother.	Killed in action against Afridis on 9th August, 1930.
Work Munshi (Mason), M.E.S.	70 p. m.	Not known	Nil	Names and period of service not known. They were shot by tribesmen in March, 1928, on Serweki-Wana Road, while making a culvert.
Two coolies, M.E.S.	30 p. m.	Do.	Nil	
Mr. Balwant Singh, Assistant Store-keeper, M. E. S.	80 p. m.	0 3 14	Family pension of Rs. 15 p. m. and Rs. 1,500 as blood money.	Shot by tribesmen whilst on duty at Saratauide on night of 19/20th June, 1928.
Lieutenant M. Stephen, Royal Artillery.	650 p. m.	8 6 0	Nil	Shot by a Khassadar (who had a political grievance), while travelling on duty by car from Manzai to Razmak on 14th June, 1929.
Assistant Surgeon J. H. Gabral, I.M.D.	450 p. m.	24 3 0	Family pension of Rs. 104 p. m. and Rs. 5,000 blood money.	Do.
Lieutenant G. R. Hext, 2/8th Punjab Regiment.	510 p. m.	3 0 0	Nil	Murdered in the Punjab Mail Train near Bhusaval, when proceeding to Army Signalling School, Poona, on 23rd July, 1931.
Lieutenant T. M. Syngé, O.B.E., Royal Tank Corps.	..	Not yet ascertained	..	Shot by a Khassadar while travelling on duty by lorry from Wana to Jandola.
Private Whawell	..	Do.	..	Do.

CASUALTIES AMONG THE POLICE AND PUBLIC ARISING OUT OF MEASURES TAKEN AGAINST THE CIVIL DISOBEDIENCE MOVEMENT.

The Honourable Sir James Crerar: I lay on the table the information promised in reply to starred question No. 119, asked by Mr. S. C. Mitra on the 3rd February, 1932, regarding casualties among the public due to firing.

Statement showing casualties by Provinces (a) among Government servants and (b) members of the public as a result of firing since the resumption of the Civil Disobedience Movement up to 31st January 1932.

	Casualties among the Police.		Casualties among public as a result of firing.	
	Killed.	Wounded.	Killed.	Wounded.
Madras	Nil	Nil	1	2
Bombay	Nil	18	2	16
United Provinces	Nil	83	7	75
Bihar and Orissa	1*	Nil	2	Nil
North-West Frontier Province	..	6	15	23
Delhi	..	2	..	..

BOOKS PROSCRIBED BY THE CHIEF COMMISSIONER, AJMER-MERWARA.

Sir Evelyn Howell (Foreign Secretary): I lay on the table the information promised in reply to starred question No. 34, asked by Mr. Gaya Prasad Singh on the 26th January, 1932, regarding certain books which were proscribed by the Chief Commissioner, Ajmer-Merwara.

(a), (b) and (d). Yes. Both books contain matter the publication of which is punishable under Section 124-A, Indian Penal Code. A representation in respect of the latter was however received from the Sasta Mandal, Ajmer, and the Chief Commissioner, Ajmer-Merwara, in view of the generally unobjectionable nature of its contents, withdrew the order under Section 99-A, Criminal Procedure Code, in respect of it.

(c) The duty of preparing English translations of vernacular documents is entrusted to qualified officials. Government do not consider that any useful purpose would be served by giving the names of these officials.

(e) I would refer the Honourable Member to the reply I have given to parts (b) and (d) and invite his attention to page 120 of the book "Yug-Dharma" and page 80 of "Aniti-Ki-Raha Par". I have no information as regards the latter part of this question. Every local Government has power to proscribe under Section 99-A, Criminal Procedure Code.

(f) Yes.

*One daffadar.

"CORRESPONDENCE" COLLEGES IN INDIA.

Sir Frank Noyce: I lay on the table the information promised in reply to starred question No. 336, asked by Mr. Goswami M. R. Puri on the 13th February, 1932, regarding 'Correspondence' colleges in India.

(a) and (b). There are no "Correspondence" colleges in India, that is colleges which seek to impart instruction through correspondence.

CLOTH SEIZED FROM THE ALL-INDIA SPINNERS' ASSOCIATION.

The Honourable Sir James Crerar: I lay on the table the information promised in reply to starred question No. 140, asked by Mr. Bhuput Sing on the 3rd February, 1932, regarding the All-India Spinners' Association.

The Gandhi Ashram at Bhagalpur was notified under section 3 of the Unlawful Association Ordinance, 1932. It was found on possession being taken that some rooms were used as a Khaddar Cloth shop and as under section 4 it was necessary to take possession of the moveable property the cloth was also taken possession of and removed to police station for safe custody. Orders were subsequently passed directing the restoration of the cloth, etc., to the All India Spinners' Association or their representative.

INCOME-TAX APPLICATIONS REJECTED BY THE COMMISSIONER OF INCOME-TAX BOMBAY PRESIDENCY.

The Honourable Sir George Schuster: I lay on the table the information promised in reply to starred question No. 654, asked by Mr. Lalchand Navalrai on the 7th March, 1932, regarding the number of applications for reference to High Court received and rejected by the Commissioner of Income-tax Bombay Presidency.

I regret that I cannot undertake to supply the information for which the Honourable Member has asked. In order to compile the figures it would be necessary to examine the files relating to between 4,000 and 5,000 revision petitions. This would involve an amount of labour that I am not prepared to impose on a staff that has been kept down to the bare minimum strength necessary on account of the need for economy.

With reference to the heading of the third and last column of the Honourable Member's statement I invite his attention to the reply that I gave to the starred question No. 655 that he asked on March 7th, 1932.

PICKETING OF LIQUOR SHOPS IN THE NORTH-WEST FRONTIER PROVINCE.

Sir Evelyn Howell: I lay on the table the information promised in reply to starred question No. 456, asked by Kunwar Haji Ismail Ali Khan on the 22nd February, 1932, regarding picketing in the North-West Frontier Province.

(a) Yes.

(b) Picketers were arrested and sentenced for breaches of the law and where it was necessary to do so were forcibly dispersed under section 31 of the Police Act and Chapter IX of the Criminal Procedure Code.

(c) Yes.

(d) Does not arise.

SUSPENSION OR REDUCTION OF RECRUITMENT BY THE PUBLIC SERVICE COMMISSION.

The Honourable Sir James Crerar: I lay on the table the information promised in reply to starred question No. 133, asked by Mr. Nabakumar Sing Dudhoria on the 3rd February, 1932, regarding suspension or reduction of recruitment by the Public Service Commission.

Statement of the position referred to in the reply given to Mr. Nabakumar Sing Dudhoria's question No. 133 on the 3rd February, 1932.

Services for which recruitment by the Public Service Commission has been suspended.	Remarks.
Indian Audit and Accounts Service, Military Accounts Department, Imperial Customs Service, Indian Railway Accounts Service.	No examination was held in 1931 and none will be held in 1932. It is not possible to say at present how long suspension will continue.
Indian Forest Service	No examination was held in 1931. It is proposed to suspend recruitment in 1932 also for the present.
Indian Service of Engineers	Recruitment has been suspended pending a final decision on the question whether the Irrigation Branch of the Indian Service of Engineers should be provincialised.
Superior Railway Services (other than the Indian Railway Accounts Service).	Recruitment not suspended altogether but will be made on a very restricted scale till the return of normal conditions.
Ministerial services	It is not possible to say when the next examination will be held until the position resulting from retrenchments is clear.

REDUCTION OF CERTAIN APPOINTMENTS ON STATE RAILWAYS.

Mr. P. R. Rau (Financial Commissioner, Railways): I lay on the table the information promised in reply to part (c) of starred question No. 259 asked by Rai Bahadur Lala Brij Kishore on the 12th February, 1932.

(c) One post of Executive Engineer (Senior scale) was abolished and one post of Deputy Chief Engineer and one post of Senior scale officer (Power) were held in abeyance.

ELECTION OF MEMBERS TO THE PUBLIC ACCOUNTS COMMITTEE.

Mr. President: Non-official Members will now proceed to elect four Members to the Committee on Public Accounts. There are 6 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.)

ELECTION OF MEMBERS TO THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

Mr. President: Honourable Members will now proceed to elect 11 Members to the Standing Finance Committee for Railways. There are 28 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 BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL—contd.

Mr. President: Further consideration of the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, as reported by the Select Committee.

Mr. E. F. Sykes (Bombay: European): Sir, I very nearly finished last night when I was pulled up by the hands of the clock pointing to four. I am afraid I must go back a little over what I said yesterday, so as to connect the main part of my speech with the end which we were so near to.

Further one or two Members have expressed a desire to see, even at a distance, the map which I had prepared to illustrate what I had to say. The House will observe in the centre a large blob here. I may mention that this map represents an area something like 250 miles square. I mention that so that Members may get an idea of the distances. (The Honourable Member then proceeded to explain with reference to the map in his hand the position of the various places he referred to.) This on the banks of the Benas which runs right across the map is Deoli. This is Nasirabad; that is Ajmer; that is Jaipur; and this is Bhawani Mandi. These are the markets of this area, Deoli being in the centre. The scale is one-millionth or 1.014 inches to 16 miles. A further point that this map will illustrate is this: if Members will look at this central spot, they will see from the colouring the number of states there are in this neighbourhood. They will also observe that on the right bank of the Benas this is the solitary patch of British territory: going down in this direction (South) you find no more until you come to the Nerbudda or beyond. I mention this to illustrate that this is British territory purely in a technical sense.

(2500)

Yesterday I began by saying that the errors of Governments generally arose from one of two sources and sometimes from both. One, the lack of information, and the other, reluctance to recede from a position if it becomes untenable. I hoped to be able to supply the information that was lacking in this particular case and asked the House to see that the other error was not committed. I then proceeded to explain the position of Deoli in two respects, first its salubrity and second its remoteness. I do not wish to detain the House very long by repeating what I said about the salubrity, because I think it is fairly well known. The remoteness is much better illustrated by this map, because you see, Sir, Deoli stands at the junction of these two main roads which after uniting proceed to Kotah and here branching again the main branch goes to Jhalrapatan whence two separate branches lead in different directions into Malwa. After that, I think the House will agree with me that the remoteness of Deoli has been exaggerated.

I would like to refer to a comment in the papers that I saw this morning. It remarked that Mr. Sykes endeavoured to defend his beloved Rajputana from the Bengal terrorists, which is exactly what every one else is trying to do. It is what the Americans call "passing the buck". Bengal wants to get rid of these detenus and nobody wants to accept them; we are all in the same position. But after the demonstration that I have given to the House, it is impossible to accept Deoli as a sufficiently remote place for people who are universally agreed to be most disagreeable neighbours.

Now, Sir, I will come to the amendment that I have put down. I think that when I was interrupted last night, what I said was that, as far as the amendment was concerned, I was not particularly insistent on the exact wording of it; I was quite prepared to accept any modification that the Government were prepared to offer provided they would choose a more suitable location for these gentlemen, and I am quite willing to withdraw it on those terms or to accept any modification that will have the same effect, but I am not quite certain really that any great change is required. If the Governor's provinces in India with their enormous area and diversity of conditions cannot find a suitable place for these people, I consider the matter is a very serious one. Further, Sir, if all the Governor's provinces are so constituted in their temperaments that they are unwilling to come to the assistance of Bengal in its distress, the outlook for a Federated India is not a very bright one. We have not yet had any explanation of the reason why the Bengal Government is totally unable to provide for these people themselves. An examination of the map of Bengal shows that there are quite a large number of sites where remoteness could be had in combination with the Bengal life which is considered to be so desirable and so unlikely to be obtained in Rajputana. Sir, I have detained the House quite enough. I hope that the information I have given is quite sufficient to show to the Government and to the House that the present proposals for the execution of this Bill, when it becomes an Act, are far from being suitable, and I hope the House will prevent the Government from maintaining their position out of sheer obstinacy.

Mr. S. C. Mitra (Chittagong and Raishahi Divisions: Non-Mohammedan Rural): Sir, I have great pleasure in supporting the motion of my friend Mr. Sykes. Though I could not closely follow either the speech or his arguments yet I am in full sympathy with his amendment.

[Mr. S. C. Mitra.]

because it restricts the transfer of the detenus only to Governor's provinces. I do not know if this amendment is made on behalf of the whole of the European Group (*Several Members from the European Group*: "No, no"); if that is so, I think the Honourable Members of the European Group are anxious to amend this obnoxious measure to a certain extent. One of my principal grounds is this, that in section 4 of this Bill it is contemplated that these detenus will be brought beyond the purview of section 491 of the Criminal Procedure Code, though the Honourable the Law Member in one of his earlier speeches said that though these prisoners cannot get any assistance from section 491, the general principles of *habeas corpus* will not be denied to them, because the High Courts have their plenary power and their inherent jurisdiction to deal with cases if anybody is detained illegally

The Honourable Sir Brojendra Mitter (Law Member): Might I explain the position, Sir. That is not what I said; I dispute the proposition that beyond 491 the High Court has got any other power. This is a matter on which there are differences of opinion in the different High Courts. The Calcutta High Court has taken the view that 491 is exhaustive, whereas Madras and Bombay have taken a different view.

Mr. S. C. Mitra: Then I stand corrected. I think that now that the Honourable the Law Member thinks that the High Courts have no inherent or plenary power beyond the four corners of section 491

The Honourable Sir Brojendra Mitter: When I used the expression plenary power, I meant that the High Court has got the power which 491 gives it. If a detention is not in accordance with any Act, then the High Court can intervene, because the detention is not legal. That was my contention.

Mr. S. C. Mitra: Unfortunately, if these detenus are transferred to provinces directly under the Central Government, they will have no protection from any High Court. Even though there will be a Judicial Commissioner whose powers though allied to those of the High Court in certain matters are not exactly identical in all respects to the powers of the High Courts. So I think if we accept the amendment of Mr. Sykes, at least these prisoners will have some chance to go to a High Court in case of any illegality. We also find, Sir, that in these centrally administered areas the rules are in some cases different. I know for example in Bengal jails non-official visitors are permitted to see the prisoners and report about them, though the Government in their wisdom select a separate class of non-official visitors to see political prisoners. To report about ordinary prisoners they select anybody and everybody who they think would be suitable, but as regards the political prisoners, they make a special selection of people who might perhaps be helpful to Government even in reporting about these detenus. But unfortunately I know from my friend Diwan Bahadur Harbilas Sarda that in Ajmer Jail there is no provision even for non-official visitors. Even in this respect, if the detenus are transferred to Governor's provinces, they will have non-official visitors to report if the rules promulgated by the Government are observed. As a matter of fact, there are occasions when these rules and regulations are seemingly good, but where are the people

to see that they are enforced properly in the places of detention? The Honourable the Home Member may stand up and ask me for specific cases. But how is it possible for me or for anybody else, because if one goes within 100 yards of the jail he will be arrested, and how can we give specific instances? What comes out of the jail is by rumours, and then there is the provision of selected jail visitors. Government take care to choose as visitors titled non-entities, who are afraid even to speak the truth which may be unpleasant to Government. If they are sent out to these outlying districts like Deoli, about which I merely read in the Imperial Gazetteer as follows:

"Deoli lies on an open plain, 57 miles South-East of Nasirabad."

—I think that is the nearest railway station, that is 14 miles from Ajmer—

"The station was laid out by Major Thom, commanding the late Kotah Contingent. Lines exist for a regiment of Native infantry and a squadron of Native cavalry. The station is garrisoned by the 42nd Deoli Regiment, which up to 1903 was known as the Deoli Irregular Force. Deoli is situated on the triple boundary of Ajmer, Jaipur, and Mewar, and is the headquarters of the Haraoti and Tonk Political Agency."

So, it was no exaggeration when we said that it was 70 miles from Ajmer and 57 miles away from the nearest railway station. Sir, I find that there is enough sense in my Honourable friend Mr. Sykes' amendment which only says that these people may be transferred to Governor's provinces, and I support his motion.

The Honourable Sir James Crerar (Home Member): Mr. President, in the elaborate and somewhat involved disquisition of the Honourable gentleman who moved this amendment, there were two sentences which I think I understood. The first was that in which he dilated upon the art of tilting at windmills as a somewhat unprofitable occupation. That, Sir, is a proposition which seems to me quite unimpeachable. And the second one which interested me even more was when he summed up his estimate of the opinions which had been received on this Bill as being that every one had approved heartily of the idea but had raised every obstacle to carrying it out. The Honourable gentleman was kind enough to put a few red flags on behalf of the Government on the ground which he regards as a little bit sticky. I wonder whether he himself has not been in some danger of falling precisely into those errors himself. The Honourable Member seemed to attach a very great deal of importance as a ground against the selection of Deoli as a possible site for a detention camp, to the fact that it has a good market. I think that that particular aspect of the question may bear a totally different construction to Honourable Members who take a different view of the Bill from his own, because if he is quite clear that there is a very good market there, which is perfectly true, in matters of diet and the like arrangements can more easily be made for the health and comfort of the detenus. Surely that is a commendation rather than otherwise. He quoted also the opinion of a Local Government on the first circulation of the Bill for opinion. But I should like to inform the House that the selection of Deoli for this purpose was made with the greatest care. It was inspected and explored from all points of view by an officer of the Government of India, by a specially qualified officer of the Government of Bengal, and by the head

[Sir James Crerar.]

of the Local Administration, and they all concurred that for the requirements of the Act Deoli seemed to comply with every reasonable requirement in a very satisfactory way. Therefore I am somewhat at a loss to understand why the Honourable gentleman is so solicitous for Deoli. I do not know whether it is some question of local patriotism; I am not quite sure whether it may not be some question of local interest. But I must say quite frankly that, when I am dealing with a matter of public interest and importance, one which both the Local Government principally concerned and the Government of India consider as of very great public interest and public importance, I cannot possibly allow parochial and perhaps pecuniary interests of that kind to affect my judgment. And as an illustration of the utility of the kind of assistance with which the Honourable gentleman proposes to encumber me, I would point out that he put forward two constructive and practical ideas of his own. He approved, he said, of the principle of the Bill. It had been passed by the House and by the Select Committee, and the principle of the Bill could not therefore now be impugned. But he had two useful and practical suggestions, two constructive suggestions to make. One was that the detenus should be interned in Fort William in Bengal

Mr. E. F. Sykes: May I interrupt the Honourable Member? I said that under certain conditions they might be.

The Honourable Sir James Crerar: I think the words which the Honourable Member used were:

"Either they (detenus) are a nuisance to the neighbourhood or they are not. If not then a convenient detention camp would be either in Fort William under the eyes of the Government of Bengal, or in the Purana Qila under the eyes of the Government of India."

Mr. E. F. Sykes: Exactly.

The Honourable Sir James Crerar: Exactly, and what I propose to point out is that the Honourable Member, having given his assent to one of the principles of the Bill, which is to remove detenus from Bengal, makes the constructive suggestion that they should not be removed from Bengal (Laughter); or in the alternative, they should be detained in the Purana Qila. The Honourable Member failed to observe or was never aware that the Purana Qila is situated in a centrally administered territory and is not in a Governor's Province. Therefore, if the amendment which he is good enough to propose for my assistance were accepted by the House, his own valuable suggestion would be explicitly ruled out, and that, as far as I can see, is the extent of the value and utility of the Honourable Member's suggestions. I trust that the House will not accept the amendment.

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

"That in clause 2, after the word 'jail' where it occurs for the second time, the words 'in any Governor's Province' be inserted."

The Assembly divided:

AYES—34.

Abdul Matin Chaudhury, Mr.
Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bagla, Lala Rameshwar Prasad.
Bhuput Sing, Mr.
Chandi Mal Gola, Bhagat.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Fox, Mr. H. B.
Gurial, Mr. N. R.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Isra, Chaudhri.
Jog, Mr. S. G.
Kyaw Myint, U.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.

Liladhar Chaudhury, Seth.
Maswood Ahmad, Mr. M.
Misra, Mr. B. N.
Mitra, Mr. S. C.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Neogy, Mr. K. C.
Parma Nand, Bhai.
Ranga Iyer, Mr. C. S.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Sykes, Mr. E. F.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Wood, Sir Edgar.

NOES—58.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. G. S.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan
Bhargava, Rai Bahadur Pandit T. N.
Bhore, The Honourable Sir Joseph.
Brown, Mr. R. R.
Clow, Mr. A. G.
Cocke, Sir Hugh
Cosgrave, Mr. W. A.
Crerar, The Honourable Sir James.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Dudhoria, Mr. Nabakumar Sing.
Fazal Haq Piracha, Shaikh.
French, Mr. J. C.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Gwynne, Mr. C. W.
Heathcote, Mr. L. V.
Howell, Sir Evelyn.
Ibrahim Ali, Khan, Lt. Nawab
Muhammad.
Ishwarsingji, Nawab Naharsingji.
Ismail Ali Khan, Kunwar Hajee.

Jawahar Singh, Sardar Bahadur
Sardar.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.
Macqueen, Mr. P.
Moore, Mr. Arthur.
Morgan, Mr. G.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur S. C.
Nixon, Mr. J. C.
Noyce, Sir Frank.
Pandit, Rao Bahadur S. R.
Rafuddin Ahmad, Khan Bahadur
Maulvi.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Baksh Shah, Khan Bahadur
Makhdum Syed.
Rama Rao, Diwan Bahadur U.
Rau, Mr. P. R.
Ryan, Mr. T.
Sahi, Mr. Ram Prashad Narayan.
Sarma, Mr. R. S.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Shah Nawaz, Mian Muhammad.
Sher Muhammad Khan Gakhar,
Captain.
Studd, Mr. E.
Tin Tut, Mr.
Wajihuddin, Khan Bahadur Haji.
Yamin Khan, Mr. Muhammad
Young, Mr. G. M.

The motion was negatived.

Mr. S. C. Mitra: I move:

"That to clause 2 the following be added at the end:

'and the rules shall include provision for grant of travelling allowances to the relations of the detenus, twice a year, for interview and shall also provide for reproduction, as far as practicable, of Bengal conditions, specially as regards diet and the manner of cooking the food.'

[Mr. S. C. Mitra.]

In support of my motion, I find that my Honourable friend Mr. Abdul Matin Chaudhury has added this note of dissent, in the Select Committee's Report:

"In view of the fact that the detenus will be transferred far away from their own province, I would suggest that the Government of Bengal should pay travelling allowances to their near relatives to enable them to visit and interview the transferred prisoners once in three months in order to mitigate hardship incidental to such transfer."

Though my friend suggested once in three months, I have suggested in my own amendment twice in a year to make it more acceptable to the Honourable the Home Member. But I have not very much hope because, as there is a Hindi proverb: '*Jami Jumbat, Na Jumbat Gul Mohammad*' which means: 'The earth may shake, but Gul Mohammad will not move.' I can prophesy that the Gul Mohammad of the Assembly, Sir James Crerar, will not move an inch. Yet it is not the Honourable the Home Member alone to whom I am speaking now, but I am appealing to the whole House; and here I shall quote a few lines from the speech of my Honourable friend, Mr. C. C. Biswas, where he made that point very clear in his able speech on the last occasion. Mr. Biswas said:

"The question is this, whether or not we should require some assurance, either to be embodied in the Bill itself or in rules to be framed under the Bill, to ensure that where such detenus are removed from Bengal to another province, certain things should be done to reproduce as far as possible the conditions of detention in Bengal—conditions as regards food, health, comfort, and so on."

Later on, he says:

"As my Honourable friend, Sir Abdur Rahim, has said, we hope that when the Bill goes before the Select Committee, that Committee would try to insert some clause in the Bill which would make it obligatory on the Local Government to provide for these things; in other words, to minimise discomfort and risk to health as far as practicable. I say as far as practicable, because so far as the climatic conditions go, nobody can control that. But subject to that, I say, it should be possible to reproduce the conditions of detention in Bengal in the provinces to which these men may be removed."

As a matter of fact I have almost reproduced the words of Mr. Biswas, and I shall wait and see if it is acceptable to the Government or to the House. As regards these difficulties, I find my Honourable friend, Sir Muhammad Yakub and my Honourable friend, Sir Abdulla Suhrawardy also supported these views. I do not like to take the time of the House in going through all these views, because I think there is unanimity on this side of the House that in the rules to be framed by Government there should be provision for reproduction of Bengal conditions as far as practicable. It might be asked why I insist on these things being in the rules themselves. My main point is this. It was insisted on, particularly by my Honourable friend, Mr. Mody himself, that these rules that are now obtaining in Bengal should be circulated, but Government are persisting in not circulating them because they consider them to be confidential. So that is the main point, that even the rules are not circulated to Members of the Honourable House. That being so, I ask, how other people then can judge for themselves whether these rules are in force. That is the specific reason why I want that in the rules it should be specifically stated that there should be provision for the grant of travelling allowances to poor relations twice a

year, and for other conditions as regards clothing, food, diet, manner of cooking food, etc. Now even if these rules are there, I am not really certain whether they will be enforced, because the past experience is very sad. In these days there are elaborate laws and rules, but at the time of enforcement of those rules they are enforced in such a way that, in spite of all necessary provisions, there is no guarantee of proper treatment on the part of the officers. As a matter of fact, I gave notice of a few questions as to what is happening even at Deoli at present, but I have not yet received any answers. One question I shall quote here:

2. "Is it a fact that these detenus are assaulted by the staff on the slightest pretext and the Superintendent recommends kicks when they ask for medicine?"

3. Is Government aware of the fact that one Bengali gentleman who happened to pass by the camp was brutally assaulted to the point of unconsciousness and that people passing by the camp are generally maltreated and molested?"

The Honourable Sir James Crerar: May I interrupt the Honourable Member? It may perhaps conduce to our estimating the value of the instances he has brought before the House if I say that at Deoli none of these incidents could possibly have taken place, as there are no detenus there.

Mr. S. C. Mitra: May I take it that the Honourable Member says that there are no detenus at Deoli at present?

The Honourable Sir James Crerar: I do.

Mr. S. C. Mitra: There are no detenus in Deoli? Since when? There may be some legal jugglery involved in the answer, and it may be that prisoners are not under the Bengal Criminal Law Amendment Act, because they cannot yet be transferred, but under Regulation III some State prisoners have been transferred, and the same Commandant who was serving in Hijli has been transferred to Deoli; that is my information, also that there are prisoners in the Deoli camp; I should like to know if that is contradicted.

The Honourable Sir James Crerar: There are no detenus in Deoli of any description whatsoever.

Mr. S. C. Mitra: Then I must accept that statement. Then as regards these rules, my Honourable friend, Sardar Sant Singh, yesterday was arguing that there are rules for the treatment of female prisoners, but the whole House was informed yesterday how they are treated, but in the case of detenus there are no rules which are known to the public. I would like to be assured that in the rules there must be a specific provision for these things and at the same time that methods should be devised to check whether these rules are actually observed. Sir, I move.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, this is an amendment which I wish had been accepted by the gentlemen of the Select Committee unanimously, and I wish there had been no necessity to move this amendment on the floor

[Mr. C. S. Ranga Iyer.]

of this House. I wish the Government had given a definite assurance that under the rules they would provide for the travelling allowances of detenus. Sir, the House will remember that when the Honourable the Home Member was speaking the other day replying to the debate, I put him a definite question whether he would consider granting travelling allowances to the relations of every detenu. I think perhaps I should not have interrupted him then lest I should be considered as having tried to embarrass him. Perhaps it was not quite a proper way to elicit an answer in the course of a speech. But in view of the opposition that this measure has met with both in this House and in the newspapers of the country, I wish the Government had gone so far as to meet what is a legitimate, a reasonable and a very moderate demand, for the detenus are neither anarchists nor revolutionaries nor terrorists. They are men who have been deprived of their freedom, because the Government consider, from the evidence in their possession, that they are prejudicial to public peace. That being the case, it is but proper that the Government should not make conditions very difficult for the detenus by removing them from one province and depriving them of the opportunity of seeing their relations. I think, Sir, though the Government are not actually depriving the detenus of the right of interviews by transferring them from one province to another, they are, in effect, depriving them of the opportunity of interviews. The detenus may be bachelors, they may be married people, they may be fathers, they may be husbands, but their mothers and sisters would like to see them; their wives and children would like to see them and the Government, by taking them from Bengal to some other province, are doing, in my opinion, a double injustice. The first injustice is the transfer of the detenus themselves. I have been opposed to their transfer. I have not reconciled myself even today, notwithstanding the recommendation of a large number of Members in the Select Committee, to the principle underlying this Bill. I refused to serve on the Select Committee because I could not accept the principle of the Bill. They could at least mitigate the hardship. Why punish their relations, I ask, for what they consider to be a wrong of the detenus themselves, a wrong which I refuse to accept as a wrong until that wrong is proved in a court of law? That being the case, for one alleged wrong, here is a Government which is punishing the relations of the detenus. I do hope, Sir, that the Honourable the Home Member will consider this proposition very carefully. I am grateful to Mr. Abdul Matin Chaudhury for having incorporated his views in the Select Committee. I wish Sir Hari Singh Gour and Diwan Bahadur Harbilas Sarda, both of whom are not in their seats, and every other Member on the Select Committee had endorsed Mr. Abdul Matin Chaudhury's suggestion. I am however grateful to Mr. Abdul Matin Chaudhury for having placed before this House, and for having exercised his responsibility by so placing before this House, a matter of paramount importance. I may assure the Honourable the Home Member that if the Government are not going to consider this proposition reasonably, they will be breaking the hearts of many good people in Bengal because, supposing a detenu is what the Government consider him to be, they have no right to punish his relations. On the reply to that question will depend the attitude that this side of the House will adopt towards the career of this Bill at the remaining stages of this measure.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, on a former occasion I made the position quite clear as to the necessity for providing for the relations of detained persons an opportunity and facility to visit them. I then pointed out that especially having regard to the distance from Bengal of the place where these men will be detained and also having regard to the fact that many of these persons are likely to belong to poor families, it was only right that Government should make certain provisions allowing a certain reasonable number of relations, say, two or three, to visit them occasionally, say, twice a year. That is not making too much of a demand. In this way let them be satisfied and their relations that they are treated properly. I think, Sir, this is a very reasonable demand, and I do hope the Honourable the Home Member will see his way to accept it. I know it has been stated that there are rules which have been framed for a similar purpose, but those rules have been hitherto kept confidential, though, as I pointed out on the last occasion, there seemed to me no justification for treating these rules, which are framed under the enactments of the Legislature, as confidential. I pointed out that these rules ought to be placed on the table of the House if necessary or, at any rate, the Members of this House should be allowed access to these rules so that any misapprehension that may have arisen on the point may be removed. It does strike me that the amendment proposed by my friend Mr. Mitra is a perfectly harmless and reasonable one and I hope the Government will see their way to accept it.

Mr. Amar Nath Dutt (Purdwan Division: Non-Muhammadan Rural): Sir, at the outset I must say that I do not like the provisions of this clause. I am opposed to it. Be that as it may, when my friend moved his amendment, and knowing the hopelessness of our position here, I would like to have an amendment like this rather than the whole clause. My friend has asked for some travelling allowance for the relations of the detenus only twice a year and also for the production of Bengal conditions, especially as regards diet and the manner of cooking the food. Of course, it is qualified by the word "especially" and so I have no quarrel with him, because Honourable Members here may know that even the worst criminals in the European wards in the Punjab are supplied with fans. And I would like to know from the Honourable the Home Member whether the detenus who will be transferred from Bengal to this extreme climate, which the people of Bengal can hardly bear, will also be supplied with electric fans or not. I pause for a reply from the Honourable the Home Member. I am not getting it now. Probably Sir James Crerar will take time to think whether these detenus should be given fans or not. He himself is sitting under a fan all right at this time.

Then, Sir, as regards diet and other Bengal conditions, I may point out that the diet of the Bengalis differs very much from the diet of all other people living in India. I see, Sir, that my Honourable friend Mr. Gaya Prasad Singh has laughed on this remark of mine. He himself comes from a province which till very recently was linked to my province, and whose pride it was to imitate our food and our culture. Sir, I am not here holding any brief for Bengali diet, but this much I may say that that diet is absolutely necessary for a Bengali. I may tell the House that the wife of a gentleman, who holds a very high position, indeed the highest that an Indian can attain in life, after having resorted to the European mode of diet and living became blind. Sir, that is the fate awaiting those who change their methods of life and their diet at a very late hour in their life.

[Mr. Amar Nath Dutt.]

That being so, I think it will not be difficult for him to understand the difficulties of a Bengali if he is asked to take one or two *chapatis* and probably one or two onions and some *har har dhal*. Is that the food to which a Bengali is accustomed? Further I may inform the House that Bengalis do not take *chapatis* during summer. They take rice and *dhal* twice a day and not *chapatis*. They take *puris* only during winter, because they are hardly palatable during the summer. It is only the Bengalis who can appreciate the difficulties in the matter of food. If ever I had the power and if I could get the Honourable Sir James Crerar under my clutches and make him live in a Bengali village with rice and *dhal* and tamarind and fish, I do not know how he would like it. A few vegetables, one or two brinjals fried will not satisfy his appetite. With this diet, he will not survive for more than six months. My Honourable friend is leaving India, and this Bill is perhaps his parting kick, and I really would have been glad if the Honourable Sir James Crerar had not taken the trouble of introducing this Bill at the fag end of his career. In fact I would once more appeal to him, when he is leaving India for good, to be a little more kind to us and see this small amendment of my friend Mr. Mitra is accepted by him. There is nothing revolutionary, no terrorism in this amendment. There is nothing of the kind in the amendment, and the Honourable Sir James Crerar need not be afraid of it. I hope if he has a little sense of humanity still left in him, he will, just eight or ten days before he leaves the shores of India, do this little act of kindness to the people whom he has ruled. He believes they are inveterate terrorists. Whatever may be his ideas, reserving my right to oppose the whole clause later on, I wholeheartedly give my support to the amendment and I appeal once more to the Honourable the Home Member to accept it.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): The amendment of my Honourable friend Mr. Mitra falls into two parts, the first part relates to the payment of travelling allowance to the relations of the detenus twice a year, for interviews, and the second part deals with the question of diet and the manner of cooking food, etc. So far as the second part is concerned, I believe I am correct in saying that there is no difference between this side of the House and the other side. The Honourable Sir James Crerar has more than once assured the House that it will be the duty of Government to make every possible provision for the comfort of the detenus who may be transferred out of Bengal. They will try to reproduce, as far as possible and practicable, the conditions of Bengal in the other provinces to which these people may be removed. The question with which we are now concerned is whether or not the Bill itself should embody some provision in this regard: in other words, whether or not we should content ourselves with accepting the assurance which has been given on the floor of the House on behalf of Government, or whether we should assure on some statutory safeguards, so that it may not be possible for Sir James Crerar's successors to act otherwise. There is one preliminary difficulty of Mr. Mitra, that I find in the way of the amendment of my friend what the Government unfortunately when sending in notice of this amendment, in the provisions of the Bengal Criminal Law Amendment Bill, that this side of the House at the clauses of the Bill, you will see that the at the remaining stages of in specific terms to section 11 and section 13 of down that the powers exercisable by the Local

Government under section 11 and the powers exercisable by the Local Government under section 13 regarding the manner of custody of these detenus shall be exercised by the Local Government of the province to which these persons may be transferred for custody. What are the powers under sections 11 and 13?

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): They apply to Bengal.

Mr. C. C. Biswas: I am just explaining my point. If you look at section 11 of the Bengal Act, you will find that it provides for the appointment of Visiting Committees, and further lays down that the rules which may be framed under that section shall provide for periodical visits to the persons under restraint. That means visits by members of the Visiting Committee to these persons. What the proviso to this Bill contemplates is this, that the powers which in Bengal can be exercised by the Local Government there under section 11 shall be exercisable as well by the Local Government in the Province to which these persons may be removed. In other words, when these detenus are removed outside Bengal, it will be open to the Local Government of that other province to appoint Visiting Committees, and to frame rules providing for periodical visits by members of the Visiting Committees to these persons. These rules, therefore, will not and cannot include rules for the grant of travelling allowance to any relations of the detenus, or for any of the other matters which my friend Mr. Mitra has in view. That is the difficulty I am feeling.

Then, again, if you turn to section 13 of the Bengal Act, you will find that that section authorises the Local Government in Bengal to make rules providing for the procedure to be followed regarding the notification of residence and report to the police by persons in respect of whom orders have been passed under section 2, and for the place and manner of custody of all persons arrested or committed to or detained in custody under this Act. Now, the effect of the proviso in the present Bill is to give powers to the Local Government in the other province to which these people may be taken to frame rules *only for the manner of custody* of these persons. In other words, only one part of section 13 of the Bengal Act is reproduced by virtue of the proviso to this clause, and the Local Government there is empowered, if this clause is adopted here, merely to make rules providing for the *manner of custody* of such persons. The question, again, is, whether the objects which my Honourable friend Mr. Mitra seeks to secure by this amendment do come properly within the purview of the rules which it is possible to frame under section 13. I repeat, Sir, that section 11 and section 13 contemplate rules of a definite kind. Section 11

P.M. contemplates rules for the purpose of regulating visits by members of the Visiting Committees to these detenus. And section 13, so far as it is going to be made applicable under this clause, deals only with rules regulating the "manner of custody" of these detenus. I ask, is it possible to say that the amendment of which my Honourable friend Mr. Mitra has given notice comes within the ambit of either of these sections?

Sir, it is not open in this House to suggest amendments here and now. I am sorry I had not studied the actual wording of the amendment until this morning, as I had to go away to Calcutta and came up only yesterday morning. But I took it for granted, and I had a right to take it for granted, that my friend, who took the responsibility for moving an amendment, would see that the amendment did satisfy the requirements of the Act.

Mr. S. C. Mitra: He has seen it; it is all right.

Mr. C. C. Biswas: If it is all right in my friend's opinion, then he need not quarrel with me. But I am pointing out what I do consider a real difficulty in the way. On the merits I have already stated that I am at one with him, but there is this technical difficulty arising from the form of the amendment, and I was going to suggest to my friends opposite that they might so alter the wording of this amendment as to make it clear that it is not merely sections 11 and 13 of the local Act which may be reproduced in the other provinces outside Bengal, but that it should be possible to provide for the other matters as well, which cannot properly come within the rule making powers of sections 11 and 13. I am quite definite, Sir, that so far at any rate as the first part of this amendment is concerned, the payment of travelling allowances cannot possibly be brought under section 11 or section 13. As a matter of fact, I will remind my friend Mr. Mitra that there is a provision in the Bengal Act for the payment of certain allowances to the families of these detenus. That is dealt with in a separate section, and is not left to be covered by rules that may be framed either under section 11 or under section 13. So, if it is a question of the payment of any allowances, that must be the subject-matter of a specific provision to that effect. Mr. Mitra wants to add at the end of clause 2 the words, "and the rules shall include provision", etc. The phrase "the rules" necessarily means rules which are referred to in the proviso, and they are rules under section 11 and section 13.

Sir Cowasji Jehangir: But section 11 provides for periodical visits.

Mr. C. C. Biswas: My Honourable friend will kindly look at section 11:

"The Local Government shall, by order in writing, appoint such persons as it thinks fit to constitute Visiting Committees for the purposes of this Act and shall by rules prescribe the functions which these Committees shall exercise."

So this sub-section speaks of rules prescribing the functions which these Visiting Committees are to perform. Then the next sub-section says:

"Such rules shall provide for periodical visits to persons, etc."

That means periodical visits to be paid by members of these Visiting Committees to these persons. They do not contemplate visits by relations of these detenus, and I do not suppose relations of detenus will constitute the Visiting Committees. If the words were simply "rules shall provide" that would be different. But the words are "such rules", and they must mean rules referred to in sub-section (1), and the rules in sub-section (1) can only be rules prescribing the functions which the Visiting Committees shall exercise. That is my interpretation of this section, and I am quite sure my lawyer friends will at once see that I am not far wrong. That is the position. Therefore, if there is no chance of moving an amendment now in such a form as to secure the objects which this amendment has in view, there seems to me no other alternative open to us but to accept an assurance from the Honourable the Home Member in this regard. And there is another practical reason why I suggest that we should be better advised in accepting such assurance. Suppose this amendment is put to the vote and lost. If we on this side of the House can be sure that we shall not be defeated, then I would most certainly say, go to the lobby on this issue and carry it. But if there is a risk of its being defeated, we shall only make our position worse by challenging a

division, because if we take it to the vote and lose it, it will be open to the Government afterwards to point to the record and say that the House did not accept it at all but by its vote turned it down. My friends may not agree with me, but I am taking a practical view of the matter; and therefore I suggest that if there is no practical certainty of our being able to carry it, it is much better to leave the matter there and to accept the assurance of the Home Member. (A Voice: "What about interviews?") As regards interviews, we should also ask for a definite assurance in that behalf.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): Sir, the proposition of my Honourable friend, the Mover of this amendment, is so eminently reasonable that I do not think it should have been difficult for the Government to accept it. My Honourable friend Mr. Biswas has just said that as a measure of practical politics, we should not press this motion to a division. I do not know whether my Honourable friend the Mover of this motion has any intention of pressing this motion to a division. I have not myself made up my mind whether or not it is better to press it to a division. This is a minor matter. Apart from that, the argument of my Honourable friend Mr. Biswas comes to this, that because we lose this motion it will create a bad impression,

Mr. C. C. Biswas: On a point of personal explanation, Sir, that is not what I stated.

Mr. Gaya Prasad Singh: I am glad to have this assurance from my Honourable friend. Those of us who are opposed to the principle of this Bill can on that account say that as this House, constituted as it is, is not likely to accept any amendment which is opposed by the Government, we should therefore not press our motions.

The second part of this motion relates to the reproduction as far as practicable of Bengal conditions especially as regards diet and the manner of cooking the food. I am afraid that in the matter of reproduction of Bengal conditions as regards food, it will not be quite possible to reproduce in that part of the country, I mean, Deoli, the conditions that obtain in Bengal. I have travelled considerably in that part of the country, in Rajputana and in Central India. In fact I have myself motored down from Nasirabad through Deoli on to Bundi and to Kotah. I quite agree with the picturesque description given by my Honourable friend Mr. Sykes with regard to the situation of Deoli. But there is one difficulty in the way. There is an absence in that part of the country of large sheets of water, tanks and big rivers. That makes it impossible for a plentiful supply of fish which is an indispensable item of diet for a Bengali. This is an impediment in the way of the reproduction of Bengal conditions if the detenus are transferred to Deoli.

With regard to the first part of the proposition, that travelling allowances should be paid to the near relations of the detenus, I think the proposition is extremely fair and reasonable. If these detenus had not been transferred to a distant part of the country, cut off from their provincial and family associations, the near relatives of these detenus would have had easy facility to visit these detenus; but since they are being torn off from their province, and taken to a distant part of the country, and the punishment of deportation is being added to the punishment of incarceration, so far as these detenus are concerned, it is only fair and

[Mr. Gaya Prasad Singh.]

reasonable that the travelling allowances of their near relatives should be borne by the Government. We have not seen the rules which my Honourable friend the Home Member has already prepared. I do not know whether a provision like that exists in any of the rules; but I would not like to trust either the Government of India or the Local Government of Bengal or any other authority in the matter of framing rules suitable to the requirements of the situation. I am therefore of opinion that provision for the grant of travelling allowance to the near relations of the detenus, and the reproduction, as far as possible, of the conditions which obtain in Bengal in the place, Deoli, or any other place where they may be transferred, must be incorporated in this measure. With these few words I support the proposition.

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

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

Sir Cowasji Jehangir: Mr. President, my friend Mr. Biswas was, as far as I could understand him, clearly in favour of the principle of the amendment moved by my friend Mr. Mitra. He realised that the detenus who were removed to other provinces for the convenience of the Government of Bengal, should be treated, as far as possible, in the same way as they would have been treated in Bengal with regard to food and other amenities of life, but he appeared to me to have some legal difficulty, and since he is a lawyer and I am a layman, I am in some difficulty

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): What is the meaning of reproduction? What do you mean by amenities of life?

Sir Cowasji Jehangir: There is another lawyer interrupting. Perhaps he will give his opinion to this Honourable House on the legal point raised. I am not a lawyer, and we look forward to his legal assistance and opinion.

Mr. B. Das (Orissa Division: Non-Muhammadan): We will hear him later.

Sir Cowasji Jehangir: There are two principles raised in the amendment: one is that the detenus should get the same food as they get in Bengal, and the other is that Government should give facilities for their relations to visit the detenus, in whatever part of India they may be, by giving these relatives train fares. With regard to food, I think the Honourable the Home Member on the last occasion gave us clearly to understand that Government were prepared to meet this side of the House with regard to such amenities as this side of the House thought necessary, and so far

as I remember now,—I have not got his speech before me—he actually read out some draft rules in which it was provided that Bengali cooks would be provided, and that the supervision of the prison would be under a gentleman who was accustomed to Bengal conditions. But with regard to railway fares, the Honourable the Home Member seemed to have some difficulties. Well, Sir, I will, therefore, confine my remarks to this point. After all, these detenus are being removed from Bengal for the convenience of the Government of Bengal, and if that is so, I do not see why the Bengal Government should not be made to pay the railway fare to a reasonable number of relatives of the detenus specially because these detenus may be sent hundreds and hundreds of miles away from Bengal. It would be a cheeseparing policy on the part of the Bengal Government to object to it. When they ask the Government of India to approach this House to assist them and their administration, I cannot help thinking that this demand on the part of Honourable Members on this side of the House is more than justified, and I do not think that either the Government of India or the Government of Bengal should raise any objection to the expenditure

Mr. K. Ahmed: What about your Retrenchment Committee?

Sir Cowasji Jehangir: There is always a limit for retrenchment, and if my friend is so very keen about retrenchment, perhaps he will look a little nearer home for retrenchment than for a purpose of this sort.

Mr. K. Ahmed: That is exactly the point.

Sir Cowasji Jehangir: At any rate, Sir, I think we are all agreed that it is a reasonable demand to make.

Then, with regard to the legal point raised by my friend, Mr. Biswas, that the amendment ought to have been in some other clause of the Bill

Mr. C. C. Biswas: Some other form.

Sir Cowasji Jehangir: or in some other form. Well, trying to look into it from a layman's point of view, I find that section 13 of the local Act reads as follows:

"The Local Government may make rules providing for the procedure to be followed regarding the notification of residence and report to the police by persons in respect of whom orders have been made under section 2 and for the place and manner of custody of all persons."

Now, the words, "manner of custody of all persons" would cover everything that my friend Mr. Mitra has provided for in the amendment; and even if section 13 is to be carried out by the Provincial Government or the Government of India according to wherever the detenus are sent, they could frame rules even under section 13 in virtue of the expression "manner of custody" so as to provide for railway fares and other amenities of life required by my friend Mr. Mitra. But not being a lawyer, I would naturally depend upon the advice and the opinion of the Honourable the Law Member. Perhaps, he will be able to show us some way out of any legal difficulty that may arise.

[Sir Cowasji Jehangir.]

Another point, Mr. President. Under clause 2 of the Bill, the Local Government has to make such rules and take such action as the Government of Bengal are empowered to take under sections 11 and 13 of their Local Act, but this House has a right, when considering this Bill, to add any other provisions, or to make any other stipulations with regard to what the Local Government should do, or how they should act with regard to these detenus; and I, personally, not having the keen and practised intellect of a lawyer, cannot see how the amendment moved by my friend to a Bill,—not to rules,—to a Bill before the Legislature can be out of order. Mr. President, therefore I do hope that Government will accept this amendment. It only means the addition of railway fares to the undertaking already given by the Honourable the Home Member and Government should put it into the Act itself. It is safer: it gives more satisfaction not only to this side of the House but also to the much wider public who watch our proceedings; it will not do any harm; on the other hand it will help both the Government of India and the Bengal Government in the future, because—we do not know—it may happen that the Government of India may have to bring a similar Bill before this House at a later stage.

Then, Sir, there is another amendment to be moved by my friend Mr. Mitra which empowers the Government of India and not the Provincial Governments to make these rules and regulations. If that is accepted, and I don't see why they should not accept it because it is they who will take the responsibility of sanctioning the removal of these detenus from Bengal to some other province, and surely they should take the responsibility for framing rules. If they frame rules, then it will be for this Honourable House to see that those rules are carried out to the satisfaction of both this Honourable House and the Government.

Mr. K. Ahmed: What was the Central Jail Committee's report of 1920?

Sir Cowasji Jehangir: I trust that Government will accept both the amendments—this one and the one that Government should make rules,—and if they are accepted, I can see no legal difficulty in the matter at all. It will give complete satisfaction, and it will also help this Bill to pass to-day, let us hope, before you, Mr. President, adjourn this House.

Pandit Satyendra Nath Sen (Presidency Division: Non-Muhammadan Rural): Although I am opposed to the principle of the Bill in any form, I rise to support the amendment moved by my Honourable friend Mr. Mitra on the principle that something is better than nothing. Knowing as we do the attitude of the Government, we can say that the Government will try to have the Bill passed with the least possible modifications, although the Bill was opposed by almost all the elected Members who spoke on the last occasion except one or two who only lent their half-hearted support to this Bill. Sir Cowasji Jehangir on the last occasion and also in his speech which he delivered just now, has made it clear that the Bill may be passed only on condition that the Government will comply with the legitimate demands of this House. The Honourable the Law Member gave us an assurance, and the Honourable the Home Member also gave that assurance on the last occasion as well as this morning, but,

Sir, we are no believers in assurances, because the Honourable Members may not be here, and also they may change their views at any time. If they mean that these assurances will be observed, then it is best that they should clearly put them into writing in the Statute-book. My Honourable friend Mr. Biswas has raised a legal issue that there are legal difficulties in the way of making provision for the interviews.

Mr. C. C. Biswas: On a point of personal explanation, Sir. That is not what I had stated. I did not suggest that there was any legal difficulty in making a provision of that kind; what I did suggest was that the form in which Mr. Mitra had framed his amendment would not permit of its being done.

Pandit Satyendra Nath Sen: However, there is some difficulty according to your view. My Honourable friend Sir Cowasji Jehangir has met that issue in an admirable manner, because the words "manner of custody" are there, which are wide enough for making all these provisions. If these interviews and provision for diet and other requirements are held to be legitimate and proper, then there cannot be any objection to passing this amendment. It is the Government who have, at their sweet will, thought fit to snatch away these unfortunate young men from their homes, and it is only reasonable that the Government should pay for the travelling expenses of the relations of these men. There is no doubt about the fact that such interviews are necessary, because a prolonged separation from their nearest and dearest relations will certainly tell upon their mental condition. This is only a rational view, and this has been recorded by one of the gentlemen who has given their opinions on this Bill. As to the legal point that has been raised, I understand that my Honourable friend Mr. S. C. Sen will argue that point. I am not a lawyer, but I shall give you only a layman's point of view. I would cite only the proverb, "Where there is a will there is a way," and if you cannot devise ways and means for making such a legitimate provision, it is all the more reason why this Bill should be thrown out. If you cannot do that, there is no reason why you should pass it at any cost. We should always remember that there are some brilliant men among these unfortunate detenus, and they must not be thrown to the dogs. They certainly deserve some consideration from this House. With these words, I support the amendment.

Mr. S. C. Sen (Bengal National Chamber of Commerce: Indian Commerce): I also support the amendment. We have had some academic discussion about the legality and construction of the amendment moved by my Honourable friend Mr. Mitra. What is the amendment? The amendment is simply this, that in exercising the powers conferred by sections 11 and 13 of the local Act, the Local Government should do some further acts in the light of the amendment suggested by Mr. Mitra. Is it contended that if these detenus had not been transferred outside Bengal, the Bengal Government could not have, under sections 11 and 13 of the Act, made provision similar to that which Mr. Mitra now seeks to embody in the Bill? I do not think that that would ever be the contention raised by my Honourable friend Mr. Biswas. His contention is that under sections 11 and 13 of the local Act you cannot provide for this matter the same being in his opinion outside the scope of those sections. I do not agree with him there. Section 13, as has been pointed out by

[Mr. S. C. Sen.]

Sir Cowasji Jehangir, is wide enough to include everything on the face of the earth. As a matter of fact, under the term "manner of custody", everything has been provided for. The detenus have even to *salaam* the superior officers. The detenus are punished under the Jail Code for alleged offences under the Jail Code which do not apply to them at all. And this is a sight which you see every day in Bengal. So, if the words "manner of custody" can include all these things, surely they can also include provision for payment of expenses to the relations of the people who have been detained.

Mr. C. C. Biswas: But which Local Government would pay the expenses in that case?

Mr. S. C. Sen: That is not a matter with which we are concerned. That is for the Imperial Government; it is a matter of arrangement between the Government in whose custody the detenus will be placed and the Bengal Government. That is no concern with us,—who will pay. Does the Bill provide for the payment of cost of these detenus when they are detained in the Deoli jail? Does it provide for that? All we know is that the Bengal Government will have to pay the cost, by arrangement which they will make with the Local Government in whose jurisdiction the people are to be detained. That is a matter of internal arrangement which we have nothing whatever to do with here. All we can say is this, that under the rule-making powers conferred by sections 11 and 13 of the local Act, which will now under the proviso to clause 2 of the Bill be exercised by the Local Government of the province in which the jail is situated—rules should be made—which rules should provide for the various items referred to in the amendment suggested by Mr. Mitra. That is the point. Apart from that, supposing these matters do not come within the purview of sections 11 and 13, surely if the Legislature provides that these matters should be introduced into the rules, such proviso will govern the original sections 11 and 13. That is the ordinary rule of construction of every Statute. Under these circumstances I do not think there is any substance in Mr. Biswas' argument. It is merely an academic discussion which we have had here. As regards the merits of the matter, I fully agree with the views expressed by Sir Cowasji Jehangir and also by Mr. Mitra.

As regards the second portion, there is no dispute between us and Government. The Honourable Sir James Crerar on the last occasion gave his solemn assurance in this House that proper recommendation and proper arrangements for food would be made by him. I do not know whether there will be provision for fans as in the European wards of Delhi and Lahore. These men have not been convicted by a court of law, and if the persons convicted could have these amenities, I do not see why the same concession cannot be extended to these young men in the trying climates of Northern India in the summer. As regards the question of payment of expenses to the relations of the detenus who may come to visit them: on the last occasion the Honourable the Home Member said that this matter required further consideration, as he did not think that public money could be spent on an object like this. When these detenus are transferred, it is done at the public expense, and if the Government of Bengal could have the luxury of sending these men to a

remote part of the country, surely they should also bear the expense of the relations of the detenus. I therefore entreat the Government to consider this matter and I support the amendment.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): Sir, I see some Members are pressing the Government for the comforts of the detenus, but when the Army is Indianised, will they not also press the Government to give the same comforts to the Bengali officers and clerks? Will they not also say that the Indian officers should not be sent to such and such parts of the Indian Empire, because the climate does not suit them? (*An Honourable Member:* "But they are not in jail.") In the previous discussion they asked for the removal of discomforts. Now, they want all comforts. Well, there must be some difference between ordinary prisoners and suspects. From my point of view, the chief object is to eradicate revolutionary movements and revolutionary ideas from the country, and it is with that object that the detenus are taken into jail. If the House accepts the principle that revolutionary ideas are not useful to the country, then those who take part in them should not be given so many facilities and comforts as one gives to his guests. If we give all comforts, it would simply indirectly encourage crimes, while the object of the Bill is to discourage and eradicate that spirit from the country. The Law Member and the Honourable the Home Member have said that if there are hardships which are inhuman, they should be removed, but we should not entertain these detenus as honoured guests and we should not supply them all the facilities and comforts which Government supplies to Honourable Members of the Legislature. These political detenus are connected with crimes which shake law and order. They are not suspected for ordinary crimes, but of an open treason and revolution. This is one of the worst forms of crime and those Honourable Members who are really against this sort of crime should not give encouragement to the detenus.

Mr. B. Das: Why don't you take them to Peshawar and shoot them?

Major Nawab Ahmad Nawaz Khan: To remove these people from their country is a very good principle. Their relations and supporters must have no means of communicating with them. If these political suspects are in their own country, they have hundreds of means of communication inside and outside the jail. (*Mr. S. C. Mitra:* "Very fine discipline.") The warders are all Indians and the relations and friends of the detenus have a regular means of communication. For instance packets of opium, tobacco and other forbidden things have been found inside the jail with the prisoners, and this is a thing which is not allowed.

Pandit Satyendra Nath Sen: Is that the issue before the House—whether the prisoners should be removed to other jails or not?

Mr. President: The Bill deals with the removal of the detenus to other parts of India.

Major Nawab Ahmad Nawaz Khan: Personally, Sir, I think it would be much better for the Government and for the country at large that several islands should be selected out of India (*Laughter*) where, according to the climatic conditions of each province, the prisoners may be sent.

Mr. C. C. Biswas: What does my Honourable friend think of our having a session of the Assembly in the Andamans? (*Laughter.*)

Major Nawab Ahmad Nawaz Khan: The keeping of the prisoners in their own province is more injurious from the political point of view and from the point of view of the real object to be aimed at, namely, to remove and eradicate the spirit of the revolutionary mentality.

Mr. B. Das: Sir, I think my Honourable friend, the Home Member, must have been feeling very uncomfortable in his seat while the last speaker was speaking. Sir, I know my Honourable friend from the North-West Frontier Province has got a subvention of a crore of rupees from the Government of India, and naturally, he must give his support at any time and every time to any measure that the Government of India want to see through in this House. (Laughter.) Now, my friend talks of political detenus as "criminals". I am really surprised at that! If they are criminals, then the Government have failed in their duty in not trying them by the ordinary laws and in detaining them indefinitely; and also if they are criminals, there are certain systems of jail rules under which criminals are governed. The Government of India here are not only punishing these sons of Bengal by removing them from their country, but by compelling them to live under different physical conditions entailing great hardships, so that I should call this double punishment, such as no civilized Government should adopt. My friend described to us the amenities of the Deoli jail. When, however, we heard the Honourable Mr. Sykes last evening and this morning we thought that Deoli was a dangerous place, where the people of Bengal, accustomed to the mild temperate climate of Bengal, would be living under very difficult conditions; and my friend wants that these so-called criminals should be deprived of proper food even at Deoli. Sir, I am surprised; and I think if my friend becomes the Home Member of the North-West Frontier Province, then I pity my friend, Khan Abdul Ghaffar Khan and his friends. They will all be deported probably to Orissa. (Laughter.) But what I want to make clear before the House is that I wholeheartedly support the amendment moved by my friend, Mr. Mitra. When I interrupted my Honourable friend, Mr. Biswas,—and I know my friend is a big lawyer,—he pointed out a legal difficulty, but the amendment which my friend, Mr. Mitra, has brought forward does not violate the principles of the Bill. It suggests the introduction of certain clauses by which better amenities will be available for these prisoners and their relations who would visit them. Why, I ask, should not the Honourable the Home Member accept it? I would like to hear the view of the Honourable the Law Member as to what he thinks of this amendment which my friend, Mr. Mitra, has moved—whether it is not possible, not practicable under the practice and procedure of this House that such an amendment can be introduced into this Bill and also a further amendment in the jail rules could be introduced. Sir, to me it is quite possible, and most of us on this side of the House think it is possible. If the Government, by their majority of supporters, go against all canons of decency and justice, then, even if we are defeated, nevertheless the Government will be in the wrong.

The Honourable Sir James Crerar: Mr. President, the questions which have come under review on this amendment have already occupied a very great part of the attention of the House. Indeed it is matters of this kind against which I think at least two-thirds of the whole of the debates during the many days over which they have extended have been directed; and I am very well aware, and I am very fully prepared to recognize, that on these matters many Honourable Members opposite

feel very deeply; and I think I have already, in my previous observations, on this aspect of the question, shown that I do myself very deeply appreciate the current of feeling on these subjects on the Benches opposite, and that I am anxious to go as far as I think is reasonable and practicable to meet them (Applause); and, therefore, when I have to express my regret that I am unable to accept this amendment (Ironical Opposition Cheers), I hope Honourable Members opposite will at the same time recognize that I do not wish to withdraw any of the assurances I have previously given on several points bearing on this amendment in the earlier stages of the debate. But I have a very strong preliminary objection to the amendment, because it is perfectly plain that it does import matter into the Statute which has been hitherto, and ought to be, regulated by rules or by executive instructions. This Bill, Sir, is a supplementary Bill, and in the local Act which it supplements specific provision has been made for rule-making powers, and it is within the ambit of those powers that this supplementary Bill is intended to make supplementary provisions.

Sir Cowasji Jehangir: May I point out, Sir, that the local Act does not contemplate the detenus being sent out of the Presidency? The local Act only contemplates the detenus remaining in Bengal; and therefore the rules contemplated under the local Act can only refer to the detenus remaining in Bengal.

The Honourable Sir James Crerar: I quite appreciate the Honourable gentleman's point. My point was that there are certain specific matters which this amendment would seek to regulate by rule and which *mutatis mutandis* the local Act originally provided for not by Statute but by rule. I think that there is probably a good deal of substance in what my Honourable friend opposite, Mr. Biswas, urged as regards the form of this amendment, and I think it would raise very serious difficulties so far as its correct application and interpretation are concerned. But I do not propose to rely on that particular argument: I rely in the first instance on what I must regard is the impropriety and inconvenience of endeavouring to import into the Statute what normally and on every consideration of convenience and propriety should be enacted by rule.

I pass on now, Sir, to the points of substance involved. As has been pointed out by more than one Honourable gentleman, 3 P.M. so far as points of substance and of merits are concerned, attention was concentrated upon two main issues. The first was that proper arrangements ought to be made by rule to ensure that the conditions of detention in the province of transfer should be as little onerous as was consistent with the circumstances. On that point I did give, on a previous occasion, the fullest assurances which were adhered to by the Honourable Member opposite, and more particularly by my Honourable friend from Bombay, Sir Cowasji Jehangir. Lest there should be any doubt on the matter, I should like just briefly to recapitulate what I did say:

"I am asked if we are prepared to give an assurance to the House that if this Bill is passed and detenus are transferred from Bengal to other provinces every endeavour will be made to reproduce as far as may be practicable the conditions obtaining in Bengal in respect of diet and in respect of other conditions of detention. Well, I am perfectly prepared to give that assurance in the most express terms. So far as detention in places which are centrally administered areas is concerned, I give my Honourable friend a perfectly clear assurance that rules will be drawn up,—as a

[Sir James Crerar].

matter of fact they are now in process of being drawn up,—which will give effect to those conditions. Those rules will be notified by the local authority and they will be reproduced in the Gazette of India; and I may say that so far as the proposed camp at Deoli in the Ajmer province is concerned, every step is being taken to see that those conditions will be secured. An officer accustomed to deal with Bengalis will be in charge, assisted by another officer from the province of Bengal. Bengali cooks will be supplied,—that point was specifically brought forward,—and as far as possible the diet to which Bengalis are accustomed will be provided. Adequate medical arrangements are being made as well as arrangements for proper exercise and recreation, indoor and out-door games, a library, reading facilities, and so on. If there is anything in addition to these anything which has arisen in the course of the present discussion, or any suggestion that may hereafter be communicated to me by any Honourable Member, I shall be very glad to consider it in the framing of the rules."

I will add that that offer is still open. If any suggestion is made to me by any Honourable Member with regard to the rules which are now approaching the form of a final draft, I should be very glad to give consideration to it. For example, an Honourable Member spoke about the provision of electric fans. The provision of electric fans at Deoli is not possible, because there is no electric power at that place. But I am quite prepared to make a provision for *punkhas* during the hot weather for these detenus. The other matter that was mentioned was the question of the grant of travelling allowance. On that point on a former occasion I was quite specific.

Sir, it has been suggested that these transfers are made merely for the convenience of the Government of Bengal. I should like to remind the House that it is not merely a question of the convenience of a Provincial Government, but it is a question of making what we regard and what they regard as an important provision in the interests of public security. I have already explained that, so far as interviews are concerned, it has been suggested that the objection was to deny all interviews to the detenus beyond Bengal. That is not the case. But I cannot undertake, as I said before, that the Government of Bengal should be under any statutory obligation to make payments which will have to be defrayed by the tax-payers of Bengal in what is essentially a private interest. Such facilities have never been asked for before, and they were not provided for in the previous Supplementary Act which supplemented a previous Local Act. It is not an obligation which any Government in any part of India has been prepared to accept, and I think that I should not be behaving properly if I accepted that statutory prescription for the Government of Bengal. Apart from that, all my assurances stand good. Therefore, when it is urged upon me that I ought to agree to the inclusion of these provisions in the Statute in order that there may be a security that my assurances in due course will be honoured by my successor, I think that the House and the Honourable gentleman opposite will recognise that that is not an argument which can be expected to weigh very heavily with me. No assurance which has been given in such specific terms as I have given on this occasion has ever been given by the Government of India and not been fulfilled, and this assurance will equally be fulfilled. Therefore, I repeat once more that while I appreciate the feeling which has underlain the speeches of many Honourable Members opposite and I will be willing to go as far as is reasonable for me to do so, I do not think that the amendment moved by the Honourable gentleman is one which I can properly accept, and I regret I must oppose it.

Honourable gentleman is one which I can properly accept, and I regret must oppose it.

Mr. President: The question is:

"That to clause 2 the following be added at the end:—
'and the rules shall include provision for grant of travelling allowances to the stations of the detenus twice a year, for interview and shall also provide for re-duction, as far as practicable, of Bengal conditions, specially as regards diet and in manner of cooking the food.'"

The Assembly divided:

AYES—43.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bagla, Lala Rameshwar Prasad.
Bhuput Singh, Mr.
Das, Mr. A.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gunjal, Mr. N. B.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Jadhav, Mr. B. V.
Jehangir, Sir Cawasji.
Jog, Mr. S. G.
Kyaw Mvint, U.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maswood Ahmad, Mr. M.
Mitra, Mr. B. N.
Mitra, Mr. S. C.
Mody, Mr. H. P.

Muazzam Sahib Bahadur, Mr.
Muhammad.
Mudaliar, Diwan Bahadur A. Rama-
swami.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Neogy, Mr. K. C.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Rajan Bakhsh Shah, Khan Bahadur
Makhdum Syed.
Ranga Iyer, Mr. C. S.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Diwan Bahadur Harbilas.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Suhrawardy, Sir Abdulla.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Ziauddin Ahmad, Dr.

NOES—50.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. G. S.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Bhore, The Honourable Sir Joseph.
Brown, Mr. R. R.
Clow, Mr. A. G.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crerar, The Honourable Sir James.
Delal, Dr. R. D.
DeSouza, Dr. F. X.
Fox, Mr. H. B.
French, Mr. J. C.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Col. Sir Henry.
Graham, Sir Lancelot.
Gwynne, Mr. C. W.
Heathcote, Mr. L. V.
Howell, Sir Evelyn.
Ishwarsingji, Nawab Naharsingji

Ismail Ali Khan, Kunwar Haiee
Jawahar Singh, Sardar Bahadur
Sardar.
Macqueen, Mr. P.
Moore, Mr. Arthur.
Morgan, Mr. G.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur S. C.
Nixon, Mr. J. C.
Noyce, Sir Frank.
Rafuddin Ahmad, Khan Bahadur
Maulvi.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rama Rao, Diwan Bahadur U.
Rau, Mr. P. R.
Ryan, Mr. T.
Sahi, Mr. Ram Prasad Narayan.
Sarua, Mr. R. S.
Schuster, The Honourable Sir George
Scott, Mr. J. Ramsay.
Studd, Mr. E.
Sykes, Mr. E. F.
Tin Tut, Mr.
Wood, Sir Edgar.
Young, Mr. G. M.

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The motion was negatived.

Mr. S. C. Mitra: Sir, I beg to move:

"That in the proviso to clause 2 for the words beginning with the words 'Local Government of the province' and ending with the words 'Local official Gazette,' the following be substituted:

"Government of India and the rules made by the Government of India in exercise of such powers shall be published in the *Gazette of India*."

The purpose of this amendment is that these rules should be made not by Local Governments to whose jurisdiction these detenues will be transferred, as contemplated in this Bill, but that these rules should be framed by the Government of India themselves. If I have heard the Honourable the Home Member correctly, he said that the Government of India were framing the rules. If so, I do not know why they impose upon the Local Government the duty of promulgating and publishing the rules framed by Government of India in their gazette. Some of these Local Governments will really not be in a position to frame rules for the conduct and control of these detenues. They will have to depend, more or less, on the standard rules that obtain in Bengal, and if anybody else is to supervise these rules, it should be the Government of India and not the particular Local Government to whose province these detenues might be transferred. I do not know what the attitude of the Government of India might be, but I think if I have learnt any lesson from the Honourable Sir James Crerar, it is that that immovable gentleman will remain unmoved and he will not accept any reasonable amendment that may be moved by this side of the House. I appeal to the House to consider that in this amendment I merely ask that the rules should be made by the Government of India so that this House may also have some control over those rules. There were so many appeals from this side of the House to the Honourable the Home Member to circulate those rules. I have not heard what objection the Honourable the Home Member has to bring those rules within the purview of criticism of the Members of this House. The statutory rules made under this Act should not remain confidential. I do not understand why these rules should not be criticised by this House. My purpose in moving this amendment is that if these rules are made by the Government of India, this House will have occasion to see how far those rules are reasonable and how far they come up to the assurances given by the Honourable the Home Member. Further, the different Local Governments will not be in a position really to make any rules. They shall have to follow the rules suggested by the Government of Bengal. With these words I commend my amendment for the acceptance of the House.

The Honourable Sir James Crerar: Mr. President, I thought I had already made my position clear with regard to statutory rules. So far as rules made in respect of any place of detention which may be in centrally administered areas, I have already given the House an assurance that those rules will be notified by the local authorities concerned and will be published in the *Gazette of India*. The same description applies to statutory rules made by other Local Governments. Now the Honourable Member argued that the Local Governments, other than the Local Government of Bengal, would not be in a position to frame rules adequately. But I have already given the House an assurance that our policy in these matters, which I have explained in very great

detail on this and on previous occasions, had already been communicated to the Local Governments; and I gave the further assurance that if and when this Bill is enacted, the attention of the Local Governments will be expressly drawn once more to the policy which the Government of India desire to be adopted in this matter. But a certain latitude must be allowed to Local Governments because local rules may have to provide for local conditions, and when a Local Government accepts or is called upon to accept a responsibility of this kind, which is certainly a grave and serious responsibility, I do submit that they should be given reasonable discretion in the discharge of their responsibility, subject to the main lines of policy which I have explained. I regret, therefore, that I cannot accept the Honourable Member's suggestion.

Mr. President: The question is?

"That in the proviso to clause 2, for the words beginning with the words 'Local Government of the province' and ending with the words 'Local official Gazette,' the following be substituted:

"Government of India and the rules made by the Government of India in exercise of such powers shall be published in the *Gazette of India*."

The motion was negatived.

Mr. S. C. Mitra: Sir, I move:

"That to clause 2 the following further proviso be added:

"Provided further that periodical examination of detenues shall be made by a committee of the Indian Legislative Assembly with a view to report on the suitability of the place of detention and the general comfort of detenues to the Governor General in Council."

Sir, I move this amendment though I know that I have no chance of carrying it. I cannot complain when gentlemen like my friends Mr. Nabakumar Sing Dudhuria and Mr. C. C. Biswas who are present in the House and represent the city of Calcutta from which the largest number of detenues comes do not even support me by their votes. Yet I think it a public duty for me to move these amendments and press on the House the reasonableness of this amendment. Even in the rules there is a provision for a statutory visiting committee. If Government accept this amendment of mine then this statutory visiting committee may be replaced by a committee of this House. The complaint was that the special visitors that are selected are not the proper men. Even the ordinary non-official jail visitors are not permitted to see these political detenues. The allegation is quite general and persistent that they choose some of the title-holders and such people who are not likely even to represent the true facts of the case. You can avoid all that criticism and the election may be made by the process of single transferable vote by which even nominated Members, Government Members, etc., may even get elected. Yet it will be a committee of this House. My Honourable friend Diwan Bahadur Sarda reminds me that there are no jail visitors in Ajmer. But I understand they are going to select some. But if the Government are themselves willing to have a committee why should they not accept my suggestion which is in this amendment that the visiting committee might be a committee of this House, and thus allay public criticism and discontent?

Sir, I move.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): Mr. President, I have taken this early opportunity of rising on this amendment because, being somewhat unaccustomed latterly to the procedure of this House, I have found that there is no right of reply to the Government at all. In other well-regulated constitutional assemblies Government make known their point of view as early as possible. My Honourable friend Sir James Crerar may laugh at the idea, but I can assure him that in no democratic assembly will the idea be tolerated that a Member representing Government sits tight till 20 Members of the House have partaken in the debate and then quietly gets up and puts in the last word. That is not playing the game as I understand constitutional games. Therefore, Sir, it has fallen to my lot to get up at this very early stage to support this amendment. I see from section 11 of the Criminal Law Amendment Act, the powers under which are extended to the Local Governments or authorities which have to deal with these transferred detenus, that:

"The Government shall by order in writing appoint such persons as it thinks fit to constitute Visiting Committees."

The proposal of my friend Mr. Mitra is merely this that such a Visiting Committee shall be, for the purpose of those detenus that are transferred outside the Government of Bengal, a special Committee of this House. He has not, so far as his amendment is concerned, dealt with the manner of the constitution of the Committee, and though he has referred to election by the single transferable vote, the acceptance of this amendment by Government or by any other Member does not bind it or him to that proposal. It may be that the Committee may be a nominated Committee, nominated by the Government from among the Members of this Assembly. Unless therefore my friend Sir James Crerar is prepared to say,—and I should not be surprised if he says it,—that no Member of the Assembly is fit to be a member of the special Visiting Committee under section 11 of the Bengal Criminal Law Amendment Act, and therefore the local authority cannot appoint such a Committee, I feel certain that this amendment is a reasonable one. Sir, one thing is often forgotten in dealing with detenus, that after all what is intended by the Government is to detain them. It is a prohibitive and not a punitive process. You should not punish them and you should not by your rules and by your regulations and the treatment you accord to them try to impose punitive penalties on any of these detenus. If that aspect of the case is remembered, I am certain that some of the replies at least that my Honourable friend Sir James Crerar has given in the course of this debate would have been of a different kind altogether. Sir, what is the good of the administration of Ajmer-Merwara appointing some two persons unknown to anybody in the public world of India, people who may submit reports of their inspection which nobody is going to accept? How will it go down in public opinion? What is the purpose of your appointing Visiting Committees? It is to make people realise that things are all right, that there is no reasonable ground for complaint, that you appoint these Visiting Committees. Having accepted the principle that what you try to do by these Visiting Committees is not to rectify your administration, but to justify your administration, I say fairness, common honesty, demands that that special Committee should not be one which may be termed a whitewashing committee but a committee in which the public have confidence. What better committee can

there be than a committee of this Assembly in which the public can rightly be claimed to have confidence? If anybody attacks the report of that Committee Sir James Crerar or his successor would be quite entitled to get up and say from his place that after all a committee of the Assembly itself has gone into this question, has found that various allegations made in irresponsible newspapers are not correct and that the conditions are as reported by the committee. That would be a conclusive, ample and final reply to any sort of charge that may be made. But so long as you adopt hole and corner methods in appointing these committees, so long as you select some A or some B, who may be estimable people from the point of view of the administrators of these various provinces or administrative areas, but who will not have the confidence of the public, you are merely doing an absolutely futile thing, which does not please you, which does not satisfy public opinion, which imposes merely a monetary charge on the public and does not bring about the results which you have in view. Therefore I venture to appeal, even at this stage, as one who has supported the principle of this Bill and not as one who opposed it, that my friend Sir James Crerar should do everything in his power, even at this final stage, at least by accepting this simple amendment, to see that public opinion is in some way satisfied. If he does not accept it, if he still says that even this modest amendment is repugnant to the purpose of the Bill that he has brought forward, that it will somehow or other destroy the great and complex administrative machinery of which he is in charge, then all that I can say is that he should not expect us to take him too seriously in these matters and he should not expect us to believe that the Government are quite enthusiastic about giving fair treatment to these detenus. Sir, I strongly support this amendment.

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara: General): Sir, I rise to support the amendment moved by my Honourable friend, Mr. Mitra. As the Government proposes to send these detenus to Deoli in Ajmer-Merwara, where I understand a jail has recently been constructed, I see no reason why, as these detenus come not from Ajmer but from Bengal, the Government of India should not make rules to provide facilities. Ajmer-Merwara is under the direct administration of the Government of India. Consequently it is only meet that the Government of India, which authorises through this Assembly the transfer of detenus from other provinces to Ajmer-Merwara, should make these rules, and the Legislative Assembly which gives this power of transfer from Bengal to Ajmer should be able to look after these detenus by making such rules as would provide that their health and comfort are being looked after. The Bengal Government had not itself the power to transfer these detenus to any place outside Bengal. It came to the Legislative Assembly to empower it to send these detenus to provinces outside Bengal. That being the case, as we are giving that power to the Bengal Government, as we are authorising the Bengal Government to transfer these detenus from Bengal to outside stations, it is only proper on our part to insist that we want to see that proper arrangements are made for their detention there and that they are looked after properly. As we are giving the Bengal Government power to send detenus to Ajmer-Merwara, we insist that rules should be made by the Government of India and published in the Gazette of India, and we could then know how things are done. So far as I know, there are no jail visitors in Ajmer; they will now have to be appointed, and as these

[Diwan Bahadur Harbilas Sarda.]

detenus do not belong to Ajmer-Merwara, it is only proper that this Legislative Assembly, which is the Legislature for Ajmer-Merwara, should appoint these visitors.

Mr. C. C. Biswas: Sir, on a previous occasion I pointed out that in 1916 a Resolution was brought forward in the Imperial Legislative Council by the late Sir Surendra Nath Banerjee in connection with the administration of Regulation III of 1818 and other kindred regulations, urging the appointment of an Advisory Committee of the Council to investigate the case of every such Regulation prisoner, and make recommendations regarding his health, allowances, conditions of detention and such other matters. That Resolution was accepted in substance by the then Home Member, and as a matter of fact an advisory committee was appointed and it did useful work. It may be said that that Resolution was necessary, because the regulations did not contain any such provision as you have in the Bengal Criminal Law Amendment Act for the appointment of visiting committees. I recognise that the Bengal Criminal Law Amendment Act, which follows the lines of the Regulations, does contain a provision for the appointment of visiting committees, but I do not think it is adequate; and I think that it is reasonable and necessary that those who are called upon to sanction such wide powers as have now been claimed on behalf of the Government, should have an opportunity of satisfying themselves that things are going on in the way they should. A special responsibility rests on Members of this House, and in the discharge of that responsibility it is up to the Members to see that the powers which they are according to the executive are being duly administered. That can be done only by means of a committee of this House. Such a committee, if appointed, need not clash at all with the visiting committees. The visiting committees will be there to attend to the daily needs of these detenus. But a committee of the Indian Legislative Assembly, if appointed, will be in a position to take a broader view of things. Today, Ajmer-Merwara is the place selected for the transfer of these people. We do not know if some other place may not be selected tomorrow, if the number unhappily goes on increasing; and so there may be several places of detention under this new Act. Then a committee like the one which is now proposed will have a very real function to perform. That committee will be in a position to examine the whole situation, to compare the conditions of one place with those of another, and to make suggestions to the Government of India, so that steps might be taken in the proper direction. After all this committee is not going to interfere with the executive. The committee will perform only advisory functions. The amendment says that the committee should undertake periodical examination of the detenus and report on the suitability of the places of detention and general comfort of the detenus, and make recommendations to the Governor General in Council in regard to such matters. Therefore I say that the Government ought to accept the principle of this amendment; and there need not be any hesitation whatsoever in taking the Assembly into its confidence. There is also a moral and psychological effect likely to be produced by accepting an amendment of this kind. It will show that the Government really mean to take the House into their confidence, it will mark Government's appreciation of the attitude of the non-official Benches. From that point of view I do appeal to my friend the Honourable the Home Member to accept in substance this proposal which has been put forward by Mr. Mitra.

I cannot resume my seat, however, without referring to another matter which I am compelled to refer to, because of the honourable mention which was made of my name by my friend, Mr. Mitra. Mr. Mitra stated that he and his friends were in a position of helplessness, and he added that when a Member from Calcutta, referring to me by name, was not going into the lobby with him, there was not very much to hope for. Sir, I am well able to take care of myself, and I do not mind confessing that I don't consider it a disparagement to myself that I do not worship in the same temple as my friend Mr. Mitra; but I thought that there would be no occasion whatsoever for misunderstanding my attitude in regard to the Criminal Law Amendment Bill. I have spoken on more than one occasion, and I have left my attitude in the matter in no state of uncertainty, and to suggest that I was keeping out of the lobby for some ulterior motive

Mr. President: There was no such suggestion.

Mr. C. C. Biswas: I am glad, Sir, that there was no such suggestion, but what was the point in referring to me in that manner, if it was not to suggest that it was an act of dereliction of duty on my part as a Member from Calcutta? Sir, I do not accept from my friend the definition of my duty as a Member of this House. After all, we are all here to do our duty according to our lights, and I do claim that I have throughout acted in this matter according to my judgment, uninfluenced by any consideration save and except what I deemed to be in the best interests of the public.

Mr. Amar Nath Dutt: Sir, I do not see any reason why the Government should not accept this very reasonable amendment unless their conscience makes them cowards. The amendment asks for a periodical examination of the detenus by a committee of this Assembly. It does not say that it should be a committee composed of elected Members of the Assembly. It may be open to the Honourable the Home Member to nominate men whom he likes, avoiding such undesirables as myself

Sir Abdullah Suhrawardy: Are you not in their confidence?

Mr. Amar Nath Dutt: I am not. Nominated Members command the confidence of the Government and only a few elected Members do so. By that I do not mean that they are to choose Members from those two classes only. Sir, if my friend cannot accept this amendment of my friend over there, the irresistible conclusion would be that there is really something rotten in the administration of the law relating to these detenus. In fact, we hear wild rumours about the treatment accorded to these detenus. Owing to the strict censorship which is maintained, we do not get the exact news now. You cannot blame us if we try to put greater reliance upon the statements of our own countrymen than the statements of the foreigners who happen to rule over this vast continent. My belief is that it is in their interest to suppress the mischievous activities of some of their officers. Government can carry on the administration with the help of a few self-seekers drawn from this country as is done in every clime, but I would remind them that it is the bedrock of our goodwill and sympathy alone on which depends the stability of their Empire. You have your suspicions no doubt, unnecessary suspicions about the flower of the youth of this country. If you only had imagination, if you had

Some Honourable Members: Please address the Chair.

Mr. Amar Nath Dutt: . . . tried to understand our hopes and aspirations. You have come here for the purpose of exploitation; you have come here . . .

Mr. President: The Honourable Member should address the Chair.

Mr. Amar Nath Dutt: Had Government not rested upon the help of a handful of self-seeking men of this country, I think their administration would have been more popular, and there would have been no occasion to enact such Draconian laws as they are enacting daily . . .

Mr. President: The present amendment is for the appointment of a Committee of this Assembly.

Mr. Amar Nath Dutt: Yes, Sir, but I say that such a Committee is needed because of the outrageous provisions of these laws. Sir, these laws are the relics of medieval ages and need replacement by more civilized laws (*An Honourable Member:* "By civilized men"), by civilized men. So, Sir, I trust that the Honourable the Home Member will, at least to keep up appearances just at the fag end of his career here,—of course he will earn his pension in England and we all wish him well—and I have always appreciated my Honourable friend's fairness, though at times he is not able to appreciate the motives which inspire us to say some of these harsh things,—as I said, at least to keep up appearances my Honourable friend the Home Member will accept this amendment. I remember, Sir, in the early days of the Congress a gentleman who was opposed to the Congress one day told a relation of mine, my uncle, that men like Alan Octavius Hume, Sir William Wedderburn and others were the worst enemies of India, as they wished to introduce British rule with the affection of the people, which would perpetuate our slavery.

Mr. President: I would remind the Honourable Member that the amendment before the House is for the appointment of a Committee.

Mr. Amar Nath Dutt: Yes, Sir; but I am just reminding them of the fact that they should broadbase the British rule upon our affection, and therefore the Congress is not their enemy; their real enemies are those who advise them not to accept amendments of this character. These amendments are necessary in the interests of British rule in India. I do not know whether all that I say here pleases Honourable Members opposite; I am rather a little frank and blunt, but I say what I feel for the good of these unfortunate prisoners, and I hope the Honourable the Home Member will accept this amendment.

An Honourable Member: Never in his life has he accepted such an amendment.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, I have not so far participated in the debates on these amendments, because as I made it quite clear on another occasion, my attitude towards this Bill is one of undiluted opposition. But when my friends Diwan Bahadur Ramaswami Mudaliar and Mr. Biswas were addressing the House and making their piteous appeals to the Honourable the Home Member, I was reminded of the days in the years gone by when I used to do the same from my seat in the Assembly. But, Sir, I am sure that my Honourable friends will agree with me, after seeing the result of their appeals on this

particular occasion, that it is no use trying to soften the stony hearts of Honourable Members opposite, but that the real opposition should be made in a spirit absolutely undaunted and that there should be an attempt made to throw out this measure at the third reading, and we should not waste our breath in discussing this amendment any further. But, Sir, if I have risen to say a few words, it is because of certain observations that fell from my Honourable friend Mr. Amar Nath Dutt. He referred to the fact that as a result of the strict censorship of the Press that we have at the present moment, it is not possible to have any reliable information with regard to the conditions of life that obtain in the detention camps. A few days ago, when speaking on a motion in regard to this matter, I had occasion to refer to the tragic incidents that happened about the middle of September last in the Hijli detention camp in Bengal, and the Honourable the Home Member in an interruption challenged my statement that the official communiqué issued in that connection soon after the incident was not borne out by the results of the official enquiry that followed. Here I have in my hand both the report of the official enquiry and the official communiqué on the subject, and I should like my Honourable friend to state after going through them, as to whether it is not a fact that in material particulars the two differ. The reason why I am referring to this incident is that the Honourable the Home Member, in speaking on a previous amendment, said that it would be the endeavour of the Government to reproduce the "other conditions of detention as they obtain in Bengal". Now, these are among the "other conditions of detention" that do obtain in Bengal—the incidents that took place in September, in the Hijli detention camp, and if that were a solitary incident, I would not have spoken on this motion merely in order to refer to that. I should like to draw the attention of this House to another incident which occurred in the Hijli detention camp on the 8th March last. As a result of the strict Press censorship, newspapers were not permitted to publish any news in connection with that incident till about a week later when as a result of a short notice question in the Bengal Legislative Council, a halting sort of statement, as far as one is able to judge from the unsatisfactory reports that have so far appeared in the Press, was made on behalf of the Government describing the incident as a sort of a minor disturbance. But the facts, which I have got in my possession from a source which I consider to be satisfactory, point out that there was very serious trouble there on the 8th March in the Hijli Jail. Therefore, when the Honourable the Home Member said that he would not merely try to see that proper food, food to which the Bengalis are accustomed, was supplied to these detenus at Deoli, but that he would also see that "other conditions of detention as they have obtained in Bengal" were reproduced in Deoli,—that made me rather apprehensive. From that point of view, I think my Honourable friends who have yet any faith in their appeals to the Government Benches are perfectly justified in putting forward a plea for the appointment of a committee of this House to make enquiries periodically and report to this House, if necessary, regarding the health or other conditions in which the detenus may have to live in distant Deoli. In this connection, I want to refer to the provisions of Regulation III with regard to periodical inspection of the detenus. There are certain definite requirements in the Regulation for a periodical examination of the conditions of health under which the State prisoners have to live under Regulation III of 1818. It was only the other day that I put a question to the Honourable the Home Member enquiring as to whether he was in a position to place on the table the reports which are statutorily required to be submitted at regular intervals

[Mr. K. C. Neogy.]

to Government regarding the health of the State prisoners, and he plainly gave a blank refusal. I really do not know what State reasons there can be to preclude the statements made by responsible officers of the Government—not non-official visitors—in the case of Regulation III prisoners—what is there to prevent them from the Government point of view from being placed on the table of this House. Those reports relate only to the conditions of health and the nature of the detention, and as to whether the detention is such as may be telling upon the health of the State prisoners. Now, judging from the attitude taken up by the Honourable the Home Member in reply to my questions, I really think that there is every reason for my Honourable friend Mr. Amar Nath Dutt to have his suspicions as to exactly what is going to happen at Deoli when these Bengal prisoners are transferred there.

Now, there is just one word more and I have done. My Honourable friend, speaking on a previous amendment, brought forward a plea that it would not be in the public interest to pay for the travelling expenses of the relations of the detenus who desired to visit them at intervals, and that he could not possibly be a party to saddling the public exchequer with such an item of expenditure. Now, I very much hope that the Honourable the Home Member will not repeat that argument in reply to this amendment. I have great respect for my Honourable friend as a man, though not as the Home Member of the Government of India, and it really pained me when the Honourable the Home Member put forward that argument. I thought that such an argument did not lie in the mouth of a member belonging to a service which has been helping itself liberally to the Lee concessions, and which made the public exchequer pay for the travelling expenses to and fro between England and India, not merely for the members of the service but for their wives, and in the case of those gentlemen who do not believe in birth control, for their children too. I very much hope that the Honourable the Home Member will not repeat that argument in reply to this amendment.

Mr. C. S. Ranga Iyer: The Honourable the Home Member has naturally been faced with one demand after another. We are not, I may make it very clear, making any appeal to the Government from this side of the House. We are rather trying to put the Government in the wrong with the people of this country by putting before them one reasonable amendment after another relating to the detenus and giving the Government an opportunity to accept them if they choose on the floor of this House. My own opinion with regard to the detenus was made perfectly clear when I refused to go into the Select Committee, because I consider that it is a very wrong principle to transfer people from one province to another unless you vouchsafe to them the same conditions of comfort and you vouchsafe to their relations the same opportunities, without unnecessary expense, of interviews. This amendment sums up the whole case. There is no use for the Government of India having come before this House and asked for an opportunity to make this Bill more or less an all-India measure—otherwise they would have introduced this in the Bengal Provincial Council—after having done that, there is no use for them to come and ask us to take up a parochial and provincial view of things. Once they have come before us, I cannot understand why they should shirk the responsibility of making the matter entirely an all-India matter.

It must be the Government of India that should make rules; it should be the Government of India gazette that should publish the rules, and not the Local Government or the local gazette. That being the case, I hope the

4 P.M. Honourable the Home Member will accept this motion and give an opportunity to this House, which is deeply interested in this matter, to examine from time to time in what manner the rules are framed and how the comforts of these people are assured, and that the rules do not make the position of the detenus worse than it would otherwise be. The rule-making power is a most important item, and now that the Bill is before the Assembly, it can hardly be regarded as a provincial or parochial matter.

The Honourable Sir James Crerar: I confess, Mr. President, that it may appear ungracious on my part in being constrained to oppose the third amendment running of the Honourable gentleman from Bengal, but I am somewhat surprised that the anticipated terms of my reply should have generated so much heat in the Benches opposite, particularly as evidenced by the remarks made by the Honourable gentleman from Madras. I was entirely unaware that I was to plunge into deep waters of constitutional policy, still less that I was to show any lack of confidence in the Assembly; and I was surprised to hear his speech and those of one or two Honourable Members who followed him. Apparently they took no notice whatever of the fact that this measure has been referred to a Select Committee by this House without a single dissentient voice and that the motion that the Bill as reported by the Select Committee should be taken into consideration was passed once more without a single dissentient voice. I feel therefore that there is some injustice in the suggestion that I have throughout the whole progress of this Bill been riding roughshod over the Assembly. It is to me a most astonishing thing that this Assembly should be ridden roughshod over but yet there should not have been a single dissentient voice to oppose those steam roller methods. Therefore I cannot agree that that is a fair statement of the case. The Honourable Member who moved this motion to a certain extent anticipated the grounds on which I must take objection. For the purpose of inspection, examination and matters of that kind, specific provision has been made by rules under the Act, and the particular expedient which he advocates is one which, I am bound to say, appears to me to be extremely cumbrous, extremely inconvenient, and, in spite of Mr Neogy's rather ingenious argument to preclude me from the financial argument, which I nevertheless propose to use, very expensive. Because it must be remembered it is not merely a question of an occasional examination of a particular detention camp at Deoli. It involves, to all intents and purposes, the proposition that there shall be a standing committee of this House whose statutory functions it will be to conduct periodical examinations, possibly in every province except Bengal. I do not think that is a reasonable proposition. Sir, though this may be a plea which lies particularly in my mouth to utter, do I think that it is a reasonable thing to ask Honourable Members of this House that they should regard it as the first statutory charge upon their time periodically to examine all detention camps which may be in any province except Bengal. I do really think that the Honourable Member who moved this motion has not quite realised all its practical implications. Therefore on these grounds, and not on the other grounds, which have been quite erroneously imputed to me, I must oppose this amendment.

Mr. President: The question is:

"That to clause 2 the following further proviso be added:

'Provided further that periodical examination of detenus shall be made by a committee of the Indian Legislative Assembly with a view to report on the suitability of the place of detention and the general comfort of detenus to the Governor General in Council.'

The Assembly divided;

AYES—42.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Aggarwal, Mr. Jagan Nath.
Azhar Ali, Mr. Muhammad.
Badi-uz-Zaman, Maulvi.
Bagla, Lala Rameshwar Prasad.
Bhuput Singh, Mr.
Biswas, Mr. C. C.
Das, Mr. A.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gunjal, Mr. N. R.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Ibrahim Ali Khan, Lt. Nawab.
Muhammad.
Jadhav, Mr. B. V.
Jehangir, Sir Cowasji.
Jog, Mr. S. G.
Kyaw, Myint U.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Maswood Ahmad, Mr. M.

Mitra, Mr. S. C.
Mody, Mr. H. P.
Muazzam Sahib Bahadur, Mr.
Muhammad.
Mudahar, Diwan Bahadur A. Rama-
swami.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Neogy, Mr. K. C.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Ranga Iyer, Mr. C. S.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Diwan Bahadur Harbilas.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.
Ziauddin Ahmad, Dr.

NOES—53.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. G. S.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Bhargava, Rai Bahadur Pandit T. N.
Bhore, The Honourable Sir Joseph.
Brown, Mr. R. R.
Clow, Mr. A. G.
Cocke, Sir Hugh.
Cosgrave, Mr. W. A.
Crerar, The Honourable Sir James.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Fox, Mr. H. B.
French, Mr. J. C.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Col. Sir Henry.
Graham, Sir Lancelot.
Gwynne, Mr. C. W.
Heathcote, Mr. L. V.
Howell, Sir Evelyn.
Ishwarsingji, Nawab Nabarsingji.
Jawahar Singh, Sardar Bahadur
Sardar.

Lal Chand, Hony. Captain Rao Baha-
dur Chaudhri.
Macqueen, Mr. P.
Moore, Mr. Arthur.
Morgan, Mr. G.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur S. C.
Nixon, Mr. J. C.
Noyce, Sir Frank.
Rafuddin Ahmad, Khan Bahadur
Maulvi.

Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Baksh Shah, Khan Bahadur
Mahdum Syed.

Rama Rao, Diwan Bahadur U.
Rau, Mr. P. R.
Ryan, Mr. T.
Sahi, Mr. Ram Prashad Narayan.
Sarma, Mr. R. S.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar, Cap-
tain.

Studd, Mr. E.
Sykes, Mr. E. F.
Tin Tut, Mr.
Wood, Sir Edgar.
Young, Mr. G. M.

The motion was negatived.

Mr. President: The question is that clause 2 stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Mr. President: The question is that clause 4 stand part of the Bill.

Rao Bahadur B. L. Patil: (Bombay Southern Division: Non-Muham-
madan Rural): Sir, I beg to move the amendment that stands in my name
which runs as follows:

"That clause 4 be omitted and clause 5 be renumbered as clause 4."

Sir, at the very outset let me make it plain to the House that I am fully
alive to all the implications that arise out of the deletion of clause 4. Let
me also make it plain to the House that all sections of people in the
country and all parties in the country have strongly condemned the terror-
ist movement prevailing in Bengal, and I do not see why Government
should be nervous about the powers of the High Court. That is the reason
why I have tabled this amendment. Amongst the grounds which I have
to urge in favour of this amendment, the first is that under the local Act
the executive have taken very wide powers; they can arrest and detain
whosoever is considered a suspect, suspected of committing or being about
to commit a crime. No evidence is required; the mere existence of grounds
of suspicion will do, and they can arrest and detain them; and even if you
look at section 9 of the local Act, you will see that the Judges who test
a case have no proof placed before them whatsoever. Their word will not
carry any authority. The word of Government and of its officers is the
final word. For these reasons, Sir, I think it is highly unjust and unfair
to take away the powers of the High Court under section 491. My point is
that in many cases you are detaining persons who are innocent. It seems
to me that the argument of the Honourable the Law Member comes to
this: "Well, there is a dangerous movement in Bengal. You concede to
the Government the power of committing these people to prison without
trial. If so, why should you not also concede to them the power of taking
away the powers of the High Court?" Sir, I cannot agree to this, because
you mean to say virtually this, that let a small percentage of innocent
people suffer along with the suspects. I say that it is doctrine to which
I cannot personally subscribe; and I am sure no self-respecting people in
this country will subscribe to that doctrine. Well, Sir, I understood the
Honourable the Law Member to say that, if the detention was illegal, of
course the High Court has got the power of interference. If it was legal,
there is no power. By this I understand that he means that the power
of the High Court always remains there, provided the arrest and detention
are not properly done under the Act. He further says that this clause has
been inserted simply to remove a particular doubt in order to prevent a
particular unsound argument being advanced every now and then before
the High Court. But I ask the Honourable the Law Member whether it
was not his duty also to make the clause still further clear. Had he
accepted the modest suggestion made by the leader of this Party, which
has been embodied in the amendment tabled by my friend Mr. Sitarama-
raju, certainly it would have cleared the doubts and there would not have
been any ambiguity, and the High Court would not have been pestered

[Rao Bahadur B. L. Patil.]

with frivolous applications. I say it was the duty of the Honourable the Law Member to make the matter clear. As he has not done so, the only duty of this Honourable House is to reject the clause.

Then, Sir, I come to the stock argument advanced by the Honourable the Law Member. That argument is this, that we have got the Regulations which were passed in the early part of the 19th century and those Regulations have been excepted from the operation of section 491 of the Criminal Procedure Code and we want to place the persons detained under this local Act also in line with those prisoners. Well, Sir, at this stage I wish to bring to the notice of this House the circumstances under which those Regulations in the provinces of Bengal, Bombay and Madras were made. Those circumstances should be compared with the circumstances now obtaining in Bengal. Let me for that purpose read out the preamble to those Regulations:

"Whereas reasons of State, embracing the due maintenance of the alliances formed by the British Government with foreign Powers, the preservation of tranquillity in the territories of Native Princes entitled to its protection, and the security of the British dominions from foreign hostility. . . ."

Sir, I emphatically ask the Honourable the Law Member whether we are now living in a state of war, whether any foreign invasion is threatening us. . . .

The Honourable Sir Brojendra Mitter: Please read on the preamble; you have not read the whole of it.

Rao Bahadur B. L. Patil: I am coming to that. I ask him whether we are living amidst rebellions? Is this the state of affairs in Bengal or in any other province in India? If that is so, I say very frankly that you are entitled to place the prisoners detained under the local Act in line with the prisoners detained under those Regulations. But I very respectfully submit that that is not the case and it can never be the case. The British Government have been here for nearly 150 years or more and the roots of the British Government have gone so deep that it is no use now saying that we are living in a dangerous condition. Therefore, the situation is entirely different. We cannot say now that because we want to place these persons in line with those persons, we want this. That argument will not hold water.

Now, Sir, there is also another reason for which I should like to ask the support of the House to my amendment. It is this. We have been told on the floor of this House, and we have been reading the same in the Press as well as in the Law Reports, that the High Courts are in a position to say that after all they are not bound by such a clause which can be passed into law by this Assembly. We have every reason to suppose that the High Courts are likely to fall back upon the powers which they have got under the Letters Patent. Under those circumstances, it is unworthy of this Honourable House to enact such a clause and bring this Honourable House into a sort of undesirable estimation in the eye of the public.

Sir, before I conclude, in support of my first contention, namely, that you are not entitled to detain innocent persons and that it is highly unjust and unfair on your part to detain innocent persons, I should like to

read out a few lines from the speech of Mr. Bipin Chandra Pal from the debates of this House of the year 1925:

"I asked Government: 'These are matters of ancient history. You cannot plead reasons of State to keep these dossiers in your keeping. Now, bring these dossiers and let us examine these ancient records and see if you had any justification to arrest these honourable gentlemen and take them away from their homes and keep them in detention without formulation of charge or trial or any of the ordinary processes of law. Your present action may be tested by those old records. I thank the Government of Bengal for having accepted that challenge or acceded to that request. The Honourable Sir Hugh Stephenson, in course of his speech in the Bengal Legislative Council, openly confessed that so far as these two gentlemen were concerned, the Government never suspected them of any complicity with murderous crime. Now, how are we to be assured, Sir, then, that in the present case, the men, who have been similarly taken into custody, have not been taken for the same reasons for which Aswini Kumar Datta and Krishna Kumar Mitter had been taken in 1908.'"

Sir, I have already made it clear that I have a conscientious objection to this clause being a part of the statute, which this House is going to place on the Statute-book. For these reasons I commend my amendment for the consideration of this House.

Mr. President: Amendment moved:

"That clause 4 be omitted and clause 5 be renumbered as clause 4."

Mr. Lalchand Navalrai (Sind: Non-Muhammadian Rural): Sir, I consider that this amendment is the most important amendment that has been put forward by my friend. Sir, I do not mean to say that the other amendments that have been moved with regard to this Bill were not important; they were very sensible and all means, by way of arguments, appeals and pressure were used but none have succeeded. Sir, so far as this amendment is concerned, I must ask the House to beware that if clause 4 is made part of the Bill and this amendment is not accepted, they will be clearly in a wrong position; they will be depriving themselves of the very first and very elementary principle of law, namely, the freedom of person. This clause is divided into two parts. One is with regard to the transfer of the detenus from one place to the other, which has an executive aspect, and the other having a purely legal aspect is with regard to putting a restriction on personal liberty most harmful to humanity; That restriction provides that when any detenu is detained in one jail or the other, he shall have no right to have his case reviewed by the highest court of the land. It can therefore be seen at a moment's glance that what this House is asked to assent to is to deprive mankind of the very fundamental right which is given them under the common law. The first part of the Bill however is such that even if it is maintained there will be certain remedies and certain adjustments which could go to alleviate the difficulties and the harm which this Bill does. With regard to that, Government have come forward to say that they will be minimising the difficulties so involved, though of course they cannot possibly minimise the inconveniences complained of, such as that of the climate. Government cannot change the climate of one place for the other, though other facilities such as giving of plenty of fish and providing Bengali cooks for the Bengali political prisoners and the like have been promised. But apart from that.

Mr. Gaya Prasad Singh: Have they been promised?

Mr. Lalchand Navalrai: Yes, I think they were promised. They can also transport rice from Bengal. My point is this, that these things can be easily adjusted. But if you are going to accept this clause, how are you going to help humanity? Liberty is the first principle for which we have been fighting all along, for which all nations have fought and that freedom of humanity is in danger by introduction of clause 4. What do we ask these better constitutions for? What do we ask these political benefits for? They are all for freedom of humanity, and the meanest individual is entitled to freedom, but here in this Bill the condition imposed is absolutely inhuman. I must only call it by that name and no other. It has the effect of sending a man, without proper trial and without the ordinary law being complied with, to jail. The ordinary principles of law, and the remedies available under the ordinary law are all these the detenus are being deprived of. The very last vestige of hope to them, namely, of having their cases reviewed by the High Court is being taken away from the detenus. Let the House beware therefore that if they accept the clause in the Bill, they will be cutting the ground underneath their feet. I therefore say that this amendment is the most important one.

With regard to this amendment, I will now address myself to the legal aspect, for which the Honourable the Law Member is anxious, by his looking at me, that I should go into. We have heard the Honourable the Law Member giving us some assurances and also interpreting in a particular manner the provisions of the law on that point. Sir, in my humble opinion there are two courses on this point left to the High Court. Formerly they pertained to only particular High Courts, but since some time back the law was changed, and now all the High Courts are given powers under section 491, Criminal Procedure Code. Of course that does not apply to places where there are no High Courts, and I was under the impression that Ajmer-Merwara had no High Court.

The Honourable Sir Brojendra Mitter: I would refer my Honourable friend to the definition of "High Court" in the Code of Criminal Procedure, which means the highest court of criminal appeal or revision for any area.

Mr. Lalchand Navalrai: If that is so, then I think Ajmer-Merwara will also have a High Court to look into these things. The point now is, why is that right going to be refused to the highest court, if any, in Ajmer-Merwara? I will come to the reason presently. At present my submission is that there are two rights within the power of the High Courts. I repeat that the High Court has got two rights, one is under the common law and the other is under a statute. I shall be showing presently that a statute cannot possibly take away the right which the public and humanity have got under the *habeas corpus*. That is common law and that common law applies equally to the whole of the British Empire. I submit there is nothing to show that common law is overridden or abolished by any statutory power.

An Honourable Member: What about the Calcutta High Court?

Mr. Lalchand Navalrai: I will come to that shortly.

The Honourable Sir Brojendra Mitter: This Bill does not purport to take away any power except the power under section 491, Criminal Procedure Code. If there is any other power, that power is left untouched.

Mr. Lalchand Navalrai: I am very thankful to the Honourable the Law Member, and I will ask the Honourable the Law Member to stick to this opinion. There was a specific question put to him today. I was watching keenly when he said on the floor of the House that the *habeas corpus* right to humanity is independent of this statute and it is not overridden. At that time the Honourable the Law Member did not say what he was saying just now. What I mean to emphasise is this. Even if there has been a difference of opinion between the High Courts, I still maintain that that common law right cannot be taken away and if that exists then why are we now trying to make this rule curtailing the provisions of section 491 and taking away a similar right? As soon as you take away this right, if you have the power to do so, then the High Court will claim under the *habeas corpus* the power to call for records. Therefore this provision will be nugatory, this provision will not be operative, and the discussion of this provision will only be a waste of the time of the House. With regard to this common law right, permit me to say what the English jurists state on that point. In this connection I should like to draw the attention of the House to Halsbury's Laws of England, page 40.

The Honourable Sir Brojendra Mitter: Which volume?

Mr. Lalchand Navalrai: Probably under "H". The Honourable Member can ask his Assistants who are Barristers to find out the number of the volume for him. This is what Halsbury's Laws of England say:

"In any matter involving the liberty of the subject, the action of the Crown or its Ministers or high officials of the Privy Council or Executive Government is subject to the supervision and control of the Judges on *habeas corpus*. It is this fact which makes the prerogative writ of the highest constitutional importance, it being a remedy available to the meanest subject against the most powerful."

Well, Sir, here the Government of India are going to be more powerful than anybody else, even the High Courts. And there they will be just coming into clash with the very first fundamental principle of common law, that *habeas corpus* is a right of the public which cannot possibly be taken away. Then, Sir, with respect to a right of taking away the *habeas corpus* right by statutory provision, which I do not admit, I must confess that it is true that the Calcutta High Court has in one or two decisions given that opinion, that section 491 of the Criminal Procedure Code is the only section under which particular persons who are detained can ask the High Court to go into their cases. But I submit that even the opinion of the Calcutta High Court is not unanimous. I know the Law Member is partial to the Calcutta High Court in adopting that view perhaps because he has remained there long.

Mr. C. C. Biswas: He argued the case and induced the Court to take that view.

Mr. Lalchand Navalrai: Then, Sir, he was a party himself (Laughter) and he cannot possibly be a judge or a legislator here. (Laughter.) On the contrary, I think his opinion should be considered as prejudiced.

The Honourable Sir Brojendra Mitter: It is no longer my opinion; it is now the opinion of the Court.

Mr. Lalchand Navalrai: I am submitting that the Court, which was led by the Honourable gentleman, has given a decision which is in direct contradiction to the opinion of other highest Judges for whom the Law Member must also have respect, the High Courts of Bombay and Madras. Sir, I know of two decisions in I. L. R. 50 Bom. page 616 and 45, Madras page 922, where it is said that the right to issue a writ of *habeas corpus* still continues in the chartered High Courts, in spite of section 491 of the Criminal Procedure Code. Then, Sir, the Calcutta High Court has no doubt given that opinion which the Law Member is relying upon and stating that it is not his opinion but the opinion which has been accepted by the High Court. It is true, but there also the Judges admit, at page 751 of 54 Calcutta, that the Criminal Procedure Code has incorporated in it only a portion of the rights under the Habeas Corpus Act, and not all the rights. They therefore stated after some consideration that they would not go into that question. They have, so to say, not given a definite decision on that point, and therefore I consider that that is a hesitating judgment. It is not a judgment which this House can accept, but further between these differences of opinion who is to decide? It is the Legislature that has to decide whether the Bombay and Madras High Courts are correct or the Calcutta High Court. I appeal to the House then to consider this question. The thing is this, that the common law right is a right which has been given by the common right of *habeas corpus* and the further question is whether we can manipulate that common law right, which has been given with regard to the liberties of a man and say that we will not accept that law but would curb the liberties of men. Apart from that there being two opinions of High Courts against one, what I say is this, that the common right should not be taken away, and that we will be wasting the time of the House if we make a provision which will be in fact absolutely nugatory.

Then, Sir, I come to the second question of law. The second question of law is dependent on section 491 of the Criminal Procedure Code and the interpretation that the Honourable the Law Member puts upon it. Section 491 of the Criminal Procedure Code says:

"Any High Court may, whenever it thinks fit, direct (a) that a person within the limits of its appellate criminal jurisdiction be brought up before the Court to be dealt with according to law;

(b) that a person illegally or improperly detained in public or private custody within such limits be set at liberty; and

(c) that a prisoner detained in any jail situate within such limits be brought before the Court to be there examined as a witness in any matter pending or to be inquired into in such court."

Now, Sir, after reading this the interpretation that has been put upon it is this, that if a particular detenu has been detained illegally and not only illegally but improperly too, then the High Court has got jurisdiction under section 491. That is how the Law Member has interpreted that section. Then what will happen is this. A representative on behalf of a detenu will come and put in his application. He will allege therein that a certain man has been detained illegally and improperly. What is the High Court to do? The High Court will get that application registered. After having got it registered they will send for the record. They

probably will give notice to the detenu to appear, as otherwise it will be impossible to find out the impropriety or the illegality of the action in detaining him. Then the High Court will have to go into the record and find out whether the detention is really illegal and improper. Will this procedure be carried out or not? It will certainly come to that, because when you make an application and you allege illegal or improper detention, the High Court will never say that it is only the party's allegation so the application must be thrown out. They will surely go into the question to see if the allegation of improper and illegal detention is made out. That was the gist of the argument put in by the Honourable the Law Member and I do not know what different construction the Law Member will now put upon the wording of section 491 Criminal Procedure Code, and I will be very interested in seeing what reply he makes to my argument that if the High Court can go into the illegality of the detention, in spite of clause 4 of the Bill, why should clause 4 be enacted at all? If a man can move the High Court with regard to the question of the illegality or the impropriety of the detention, then everything is done and section 491 has been complied with. I do not know if, when making that statement, the Honourable the Law Member's attention was drawn to the words "improperly detained", in section 491 Criminal Procedure Code. If it was, I am glad my argument stands and he loses his case. (Laughter.)

The Honourable Sir Brojendra Mitter: Not so easily.

Mr. Lalchand Navalrai: I know the obstinacy on the other side. What I say

The Honourable Sir Brojendra Mitter: We have had plenty of politics; let us have a little law.

Mr. Lalchand Navalrai: Sir, I say that this question is one purely of law and of the liberty of a man and it is no matter such as to be trifled with. If a High Court has got the power to go into the question of impropriety of the detention, it will be a question of merits and the merits will be considered by the High Court. Any way the High Courts will stand upon their rights and say, "We will go into the merits and find out under section 491 whether the detention is right or wrong". Therefore my second contention is that this provision, which is being incorporated into this Act, is not at all necessary.

Then the only reason that has been given for the introduction of this clause 4 is this. I wondered what must be the reason of the Government for this clause being put in, so as to take away the rights of the High Court under section 491. What did I find? It was shown in the Objects and Reasons of the Bill that because once the Criminal Procedure Code was amended and clause 3 added to section 491, providing that nothing in that section applied to persons detained under the Bengal State Prisoners Regulation, 1818, Madras Regulation II of 1819, or Bombay Regulation XXV. of 1827, or the State Prisoners Act, 1850 or the State Prisoners Act, 1858, such a provision should be made with regard to the Bengal Criminal Law Amendment Act also. In other words they say that once we have made that exception, why not make it here also? But, is that sound reasoning I ask? It is no reasoning at all. On the contrary

[Mr. Lalchand Navalrai.]

I maintain that this provision 3 in section 491 Criminal Procedure Code is *ultra vires*. The Legislature had no power to make this provision, which is on the Statute-book. Because it is there that does not show that it is a valid one. High Courts have disputed it, and the question having risen before them, they have said that there is a doubt about it. But I maintain that the rights that have been given under section 491 are common law rights, which the common people have got, which cannot be repealed by any other law. Therefore no Legislature can possibly make any provision which cuts away the rights of *habeas corpus*. This clause 4 in my humble opinion is *ultra vires* and for that I find an authority in 39 Calcutta

Mr. President: How long is the Honourable Member likely to take?

Mr. Lalchand Navalrai: About twenty minutes more, Sir.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 29th March, 1932.

LEGISLATIVE ASSEMBLY.

Tuesday, 29th March, 1932.

30

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

MEMBERS SWORN:

Major-General John Wallace Dick Megaw, C.I.E., M.L.A.,
(Government of India: Nominated Official); and

Mr. Narayan Raghavan Pillai, M.L.A. (Government of India:
Nominated Official).

QUESTIONS AND ANSWERS.

BRAZILIAN IMMIGRATION SCHEMES.

961. *Rao Bahadur B. L. Patil: (a) Have Government any information regarding the Brazilian immigration schemes started by the Brazilian Government with a view to attract industrial and agricultural population?

(b) If so, will Government place it on the table?

(c) If not, have Government any objection to obtain the necessary information on the subject of Brazilian immigration including the following points:

- (i) the number of Indians who have already settled there;
- (ii) the names of Indians in superior official posts and in learned professions;
- (iii) the time since how long the schemes are in operation; and
- (iv) restrictions, if any, as to the profession of religious faiths?

* Sir Evelyn Howell: (a) No, Sir.

(b) Does not arise.

(c) His Majesty's Government will be moved to make enquiries on the points mentioned by the Honourable Member.

BRAZILIAN IMMIGRATION SCHEMES.

962. *Rao Bahadur B. L. Patil: Will Government be pleased to place on the table the correspondence, if any, of whatsoever date, between the Brazilian Government and the Government of India, either direct or through the British Government, on the immigration schemes?

Sir Evelyn Howell: No such correspondence has taken place.

MUSLIMS APPOINTED TO THE POLITICAL DEPARTMENT IN THE NORTH-WEST FRONTIER PROVINCE.

963. *Dr. Ziauddin Ahmad (on behalf of Seth Haji Abdoola Haroon): Will Government be pleased to state:

- (a) how many Muslims have been taken into the Political Department in the North-West Frontier Province during the last ten years;
- (b) how many of them were appointed Deputy Commissioners and Political Agents in that Province; and
- (c) if the reply to part (b) be in the negative, the reasons for the same?

Sir Evelyn Howell: (a) Out of 14 Muslim officers recruited for the Political Department since 1922, ten have served in the North-West Frontier Province.

(b) Two.

(c) Does not arise.

TEN PER CENT. CUT IN EARNINGS OF PIECE-RATED EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

964. *Kunwar Hajee Ismail Ali Khan: (a) Is it a fact that the compositors, distributors, impositors and pressmen of the Government of India Press, New Delhi, are paid on piece rates and they are allowed no privileges of holidays and Sundays like the salaried hands?

(b) Is it a fact that the 10 per cent. cut is made both from the salaried and piece-rated employees of the Press?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government be pleased to state if they contemplate to stop the 10 per cent. cut from the earnings of the piece-rated employees? If not, why not?

The Honourable Sir Joseph Bhole: (a) The answer to the first part is in the affirmative and to the second part in the negative.

(b) Yes.

(c) The attention of the Honourable Member is invited to the reply given on 18th March, 1932, to part (g) of unstarred question No. 198 by Mr. S. C. Mitra in the Legislative Assembly.

RENT OF QUARTERS OF EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

965. *Kunwar Hajee Ismail Ali Khan: (a) Is it a fact that the employees of the Government of India Press, New Delhi, are provided with quarters with only 5 per cent. rent owing to their scanty earnings, with the sanction of the Government of India since the transfer of the press from Calcutta to Delhi in 1912 which is a period of about 20 years?

(b) Is it a fact that the employees of the press are exempted from such extra charges as water tax, and electricity metre rent, etc., due to their poor earnings?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government be pleased to state whether it is contemplated to raise the rate of rent and to levy such extra charge as water tax, etc.? If so, why?

The Honourable Sir Joseph Bhole: (a) Indian subordinate employees of the Government of India Press, Delhi, are charged rent up to a maximum limit of 5 per cent. of their emoluments.

(b) and (c). The employees of the Delhi Press have been given the concessions under Fundamental Rule 45A, under which no separate rent is charged for sanitary, water supply and electric installations and fittings. But this rule requires that the tenant should pay meter hire and the cost of water and electric energy, etc., consumed. The question whether Press employees should receive water free of charge or not is under consideration.

DEDUCTION FOR PROVIDENT FUND FROM THE EARNINGS OF PIECE-RATED EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

966. *Kunwar Hajee Ismail Ali Khan: (a) Is it a fact that the Contributory Provident Fund was deducted on the earnings of the piece-rated employees of the Government of India Press, New Delhi?

(b) Is it a fact that the Contributory Provident Fund of the piece-rated employees of the press is now deducted on their class-rate pay?

(c) If the answer to parts (a) and (b) be in the affirmative, will Government be pleased to state why the Contributory Provident Fund is not deducted on the earnings of the piece-rated employees?

The Honourable Sir Joseph Bhole: (a) and (b). Yes.

(c) Because the earnings of piece-workers fluctuate and the rules require that the subscription fixed by the subscriber shall not vary throughout the year.

EXPENDITURE BY THE POST OFFICE FOR THE OCCUPATION OF THAKERSEY HOUSE AND IRWIN HOUSE IN BOMBAY.

967. *Mr. N. M. Joshi: 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 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;

(e) the average monthly amount demanded by the Bombay Municipality by way of house and other taxes;

(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?

Mr. T. Ryan: (a) Rs. 2,500, Thakersey House was given up from the 1st December, 1931.

(b) Rs. 2,09,100.

(c) Rs. 2,174.

(d) Rs. 84. Supervisory charges were paid to the Bombay Municipality for two months only, viz., May and June, 1931, at Rs. 15 per month. Since the 1st July, 1931, the supervision is exercised departmentally.

(e) Rs. 307 per month as house tax. Water and other taxes have not yet been fixed by the Municipality.

(f) Rs. 12,270. The recurring expenditure required annually is about Rs. 5,000.

(g) Rs. 600.

(h) Rs. 3,611 excluding water and other taxes under item (e).

STOPPAGE OF PERMANENT RECRUITMENT FOR THE POST OFFICE.

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

- (i) the Director General of Posts and Telegraphs had issued instructions on the Post Office side not to fill in any vacancies permanently in the staff since 1st July, 1930; and
- (ii) that similar orders were issued by the Government of India to have effect from the 15th July, 1931?

(b) If the replies to items (i) and (ii) be in the affirmative, are Government prepared to issue instructions that those who held vacant appointments prior to 15th July, 1931, in the Post Office may be confirmed in those posts?

Mr. T. Ryan: (a) (i). Orders were issued by the Director General in April, 1931, directing that pending further orders no officiating incumbent of a post should be made permanent.

(ii) The Honourable Member apparently refers to the Resolution dated the 9th July, 1931, published in the Gazette of India conveying the decision of the Governor General in Council that as an *ad interim* measure all appointments to any posts permanent or temporary made on or after the 16th July, 1931, of persons not in Government service on the 15th July, 1931, whose pay the Governor General in Council is competent to determine under the Civil Services Rules shall be made on a provisional footing, that is to say, in an officiating capacity.

(b) The Director General is issuing instructions permitting, subject to certain restrictions, the confirmation of permanent officials in posts not affected by retrenchment in which they were appointed to officiate prior to the 24th September, 1931.

DELEGATION OF CERTAIN POWERS TO TOWN INSPECTORS OF POST OFFICES IN FIRST CLASS HEAD OFFICES.

969. ***Mr. N. M. Joshi:** 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 appointments, etc., of postmen and inferior servants and that no administrative difficulty is experienced at those Presidency Towns;
- (c) whether the delegation of these powers in Bombay would reduce considerably the work of the Inspecting Postmasters attached to the 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) if reply to part (b) above be in the affirmative, whether Government propose to extend those powers to the Town Inspectors in Bombay?

Mr. T. Ryan: (a) The examination is still in progress.

(b) The reply to the first part of the question is in the affirmative, as regards the second part, some administrative difficulty has arisen.

(c) Some slight reduction of work might result.

(d) Yes.

(e) As already stated the whole question is still under examination, and no final decision has been reached.

ATTENDANCE AT RAILWAY PLATFORMS OF RAILWAY MAIL SERVICE SORTERS.

.. 970. ***Mr. N. M. Joshi:** Will Government be pleased to state:

- (a) whether the enquiry referred to in the reply to unstarred question No. 306, on the 16th March, 1931, by Mr. N. R. Gunjal in the Legislative Assembly, 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, whether Government will be pleased to place on the table a copy of these orders; and
- (c) whether it is an intention of these orders that the platform attendance, even to the extent of two hours in excess of the permissible time of 15 minutes, should neither be considered nor counted as duty?

Mr. T. Ryan: (a) Yes. The decision arrived at is that the time spent by sorters of Railway Mail Service sections in Record Offices should not

be taken into account in determining their weekly working hours in the vans.

(b) and (c). The position is not as stated by the Honourable Member. He is referred to the orders contained in the Government of India, Department of Industries and Labour letter No. Est.-B./APC-31/27, dated the 14th July, 1930, a copy of which is placed on the table of the House.

No. Est.-B./APC-31/27.

GOVERNMENT OF INDIA.

DEPARTMENT OF INDUSTRIES AND LABOUR.

Posts and Telegraphs Branch.

Dated Simla, the 14th July 1930.

From

T. RYAN, Esquire, C.I.E.,
Joint Secretary to the Government of India.

To

The Director General of Posts and Telegraphs.

SUBJECT:—Standard of weekly working hours for sanctioning additional sets for R. M. S. Sections.

SIR,

With reference to the orders communicated in this Department letter No. 96-P.T.E., dated the 13th December, 1926, sanctioning additional sets in the Railway Mail Service for 53 sections, it has now come to the notice of Government of India that cases often arise in which the weekly working hours of a Railway Mail Service set exceed the prescribed standards by an hour or two and as no formula exists for determining what excess over the prescribed standards of weekly working hours of 30 and 36 hours for night and day sections, respectively, should be taken to justify an additional set, there is a considerable diversity of practice in dealing with such cases. In order to ensure uniformity the Government of India consider that definite orders should be issued, to the effect that an additional set should not be sanctioned when such addition will have the effect of reducing the weekly working hours per set below 24 and 30 in the case of night and day sections, respectively. In applying this standard, platform attendance should not be counted since work on the platform before the departure of a train is not so strenuous as work in a running section, and the standard for a sorting mail office is as high as 8 hours a day. Moreover, the counting of platform attendance in such cases increases the weekly working hours appreciably, and causes avoidable expenditure.

2. As an example a case may be quoted of a section with 5 sets which has a run of 10 hours 10 minutes in the out-trip and 9 hours 37 minutes in the in-trip. The weekly working hours of each set are 26 hours 27 minutes and 3 seconds, a figure much below the standard of 30 hours fixed for a night section; but by adding its daily platform attendance of $3\frac{1}{2}$ hours, the weekly working hours were increased to 32 hours 15 minutes and 4 seconds, and another set was sanctioned. The result is that the weekly working hours now are 23 hours 4 minutes and 50 seconds per set, which the Government of India consider too low even for a night section.

3. In order to avoid the recurrence of such cases in future platform attendance may, for ordinary purposes, be counted in determining the number of sets of a section, but when the addition of the platform attendance has the effect of reducing the weekly working hours below 24 hours in the case of a night section and below

30 hours in the case of a day section, it should not be taken into account, but the number of sets should be determined solely by the actual working hours in the mail van.

4. Heads of Circles should now be instructed to re-examine the number of sets in each of the Railway Mail Service sections under their control and to readjust them where necessary in accordance with the principles laid down above.

I have the honour to be,
Sir,

Your most obedient servant,

T. RYAN,

Joint Secretary to the Government of India.

No. Est. B/APC-31/27.

A copy is forwarded for information to the Accountant General, Posts and Telegraphs.

M. R. COBURN,

Financial Adviser, Posts and Telegraphs.

SIMLA,
The 14th July 1930.

No. Est. B/APC-31/27.

A copy is forwarded for information and necessary action to all Postmasters-General and to the Director of Posts and Telegraphs, Sind and Baluchistan Circle.

J. R. T. BOOTH,
Senior Deputy Director-General.

SIMLA,
The 14th July 1930.

SCALES OF PAY IN THE POSTAL DEPARTMENT.

971. *Mr. N. M. Joshi: Referring to the reply given to starred question No. 1057 (regarding scales of pay in the Postal Department) put in the Assembly by Mr. T. N. Ramakrishna Reddy, on 21st March, 1931, will Government be pleased to state:

- (i) how the concluding sentence in clause (g) can be reconciled with the statement in clause (c) of the said reply;
- (ii) whether a graduate recruited in the Bombay Circle on 11th June, 1926, on an initial pay of Rs. 51 per month in the old scale of Rs. 40—120 then, was under F. R. 22 brought on to the new scale on 1st March, 1927 and his pay fixed at Rs. 55 per month;
- (iii) whether a graduate recruited on and after 1st March, 1927, in the new scale, viz., Rs. 40—5—140 was, however, given an initial salary at Rs. 60 per month;
- (iv) whether it is a fact that in the case referred to in (ii) and (iii) above, a junior got higher pay than what his senior did;
- (v) whether it is a fact that the number of such affected officials does not exceed 50; and

- (vi) whether they propose to grant to the old graduate servants one advance increment under Fundamental Rule 27?

Mr. T. Ryan: (i) There is no inconsistency between the two statements to which the Honourable Member refers. One of them admitted that certain officials got less pay than certain others. The second statement was that those officials were not put to any loss. In fact, nobody lost any pay. In both cases the officials received the pay to which they were entitled under the conditions which existed at the time they joined the service, or as subsequently revised.

(ii) No. In June, 1926, there was no time-scale of Rs. 40—120 in the Bombay Circle.

(iii) Yes.

(iv) Cases of this kind occurred though the precise case contemplated in part (ii) of the question did not occur.

(v) Government have no definite information as to the number of such cases but it probably exceeds 50.

(vi) No. The changes made in scales of pay, coupled with the operation of the rules, no doubt caused some anomalous cases; anomalies cannot always be avoided and as no body was adversely affected in pay Government decided not to treat specially the cases in question.

EDUCATION OF THE CHILDREN OF PRESS EMPLOYEES IN DELHI.

972. ***Kunwar Raghubir Singh** (on behalf of Mr. A. Das): (a) Will Government be pleased to state why schools for boys and girls are not yet started in the Press area at Barakhamba since the move of the Press from Old to New Delhi in August, 1931?

(b) Are Government aware that education of the children of the Press employees has been hampered owing to want of Primary Free Schools? If so, when will such schools be opened?

(c) Is it a fact that the Press employees represented the said case to the higher authorities? If so, what action has been taken by Government? If not, why not?

(d) Is it a fact that at Timarpur there were three schools, one for boys, one for Bengali girls and another for Hindu and Muhammadan and Christian girls under the Notified Area Committee?

Sir Frank Noyce: (a) A primary school for boys and girls was started in the Barakhamba area by private enterprise on the 16th November, 1931. This school has been recognised by the Education Department of Delhi Province which has also made a recommendation to the New Delhi Municipal Committee that the school should receive a grant-in-aid. The provision of additional facilities for schools in this area is the responsibility of the New Delhi Municipal Committee.

(b) Primary education in the schools maintained by the New Delhi Municipal Committee as well as in most of the aided schools in New Delhi is already free.

(c) Government have no record of any such representation.

(d) Yes.

QUARTERS OF PRESS EMPLOYEES IN NEW DELHI.

973. ***Kunwar Raghubir Singh** (on behalf of Mr. A. Das): (a) Will Government be pleased to state whether the accommodation in the new quarters for the Press employees at Barakhamba is not better than those at Timarpur or New Delhi, especially of "B", "C" and "D" type quarters?

(b) Is it a fact that in the corner space one "B" and three "C" quarters have been built and the back side of these quarters are very close to the latrines of the adjoining quarters and bad injurious smell of the adjoining latrines come to the verandahs and courtyards of these "B" and "C" quarters?

(c) Is it a fact that the latrines of the "B" and "C" quarters have been built in the verandah attached to bedroom?

(d) Is it a fact that some *dhobi ghats* have been built on the back site of the quarters forming a square where *dhobis* from the City and surrounding places come to wash their clothes? Are Government aware that this is likely to bring infections into the Government quarters?

(e) Do Government propose to take immediate action to stop this practice?

The Honourable Sir Joseph Bhore: (a) The accommodation provided in the newly constructed "B" type Press quarters is a little less than that provided in New Delhi and at Timarpur, but greater in cases of "C" type Press quarters than the corresponding type in New Delhi. The accommodation in "D" type quarters is a little less than the Timarpur quarters.

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

(c) No.

(d) The reply to the first part of the question is in the affirmative. These *ghats* are not open to *dhobis* from the City. Only *dhobis* holding licences from the New Delhi Municipality are authorised to use them.

(e) Does not arise.

PROVISION OF FACILITIES FOR RECREATION, ETC., OF PRESS EMPLOYEES IN NEW DELHI.

974. ***Kunwar Raghubir Singh** (on behalf of Mr. A. Das): (a) Is it a fact that no quarter for a recreation club has been given to the Press employees at Barakhamba and are Government aware that much inconvenience is being felt for library, etc.?

(b) Is it a fact that no suitable play ground has been fixed for the employees of the Press since their coming over to Barakhamba? If not, why not?

(c) When do Government propose to remove all the said inconveniences?

The Honourable Sir Joseph Bhore: (a) No press quarter is available for allotment for a recreation club.

(b) Common playgrounds exist outside the Delhi Gate and at Connaught Place for the use of residents at Barakhamba, and Government are not in a position to provide a separate playground for the press.

(c) Does not arise.

LACK OF HEATING ARRANGEMENTS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

975. *Kunwar Raghubir Singh (on behalf of Mr. A. Das): Is it a fact that no heating arrangement had been made this winter in the new Government Press building in New Delhi? What is the idea in regard to this?

The Honourable Sir Joseph Bhore: Yes, Government do not propose to take any action at present.

LACK OF WATER TAPS IN THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

976. *Kunwar Raghubir Singh (on behalf of Mr. A. Das): (a) Will Government be pleased to state how many water taps have been fixed in the main Government Press building, New Delhi?

(b) Is it a fact that only one tap has been fixed in front of the Manager's room where the Press employees are not allowed to go?

(c) Are Government aware that much inconvenience is felt on account of want of water taps?

The Honourable Sir Joseph Bhore: (a) 28.

(b) and (c). No.

ACCOUNTANTS REVERTED TO THEIR SUBSTANTIVE APPOINTMENTS.

977. *Mr. S. C. Mitra: Will Government be pleased to lay on the table a list of the Accountants, with names, who have been on deputation in the office of the Accountant General, Central Revenues, since 1923 showing the grounds on which they have been retained or reverted to the substantive appointments held by them in other provinces owing to retrenchment in that office?

The Honourable Sir George Schuster: With your permission, Sir, I will reply to questions Nos. 977 and 978 together.

The information has been called for and will be laid on the table in due course.

DIVISIONAL ACCOUNTANTS RETIRED AT 55 YEARS OF AGE.

978. *Mr. S. C. Mitra: Will Government be pleased to state the names of the Divisional Accountants serving under the Accountant General, Central Revenues, who have or have not been given an extension of their services after completing 55 years of age?

FORMATION OF A "KARNATIK" PROVINCE.

979. *Rao Bahadur B. L. Patil: (a) Referring to the replies to unstarred question No. 49 (a), dated the 15th September, 1931, will Government be pleased to state whether any action has been taken under section 52A of the Government of India Act?

† For answer to this question, see answer to question No. 977.

(b) Do Government intend to proceed to make an enquiry when the conditions of section 52A are complied with?

The Honourable Sir George Rainy: With your permission, Sir, I propose to answer questions Nos. 979, 980 and 981 together.

Government are aware of the views which have been expressed on these questions from time to time in the Central Legislature and the Legislative Councils of Madras, Bombay and Coorg. There is no present intention of proceeding further at this stage with the question of forming separate Andhra and Kannada provinces.

CREATION OF A SEPARATE ADMINISTRATIVE UNIT IN THE KANNAD-SPEAKING DISTRICTS OF THE BOMBAY AND MADRAS PRESIDENCIES.

980. *Rao Bahadur B. L. Patil: (a) Are Government aware that the attention of the public is greatly concentrated in the Kannad-speaking districts of Bombay and Madras Presidencies and the Province of Coorg on the question of unification of those districts into a separate administrative unit?

(b) Are Government further aware that widespread discontentment prevails in those places, among all classes of people, owing to Government's inaction in those places in connection with this question?

(c) Are Government prepared to appoint a small committee to investigate this matter and report as to the financial position and other questions incidental thereto?

FORMATION OF AN ANDHRA PROVINCE.

981. *Rao Bahadur B. L. Patil: (a) Are Government aware that there is a strong demand also for the formation of an Andhra Province adjoining the Kannad districts?

(b) If so, have Government considered the question of appointing a single committee both for Andhra and Kannad speaking districts?

(c) Do Government propose to reach a decision before the reforms are ushered in?

FUTURE STATUS OF BERAR.

982. *Mr. S. G. Jog: (a) Is it a fact that the Government of India have received any communication or statement or suggestion in the matter of the future status of Berar from the Government of the Central Provinces?

(b) If so, will Government let the House know as to what that statement or suggestion is?

Sir Evelyn Howell: It is regretted that it is not possible to make any announcement on the subject at this stage. The Honourable Member's attention is invited to the answer given by me to starred question No. 36 by Mr. Gaya Prasad Singh on the 15th of January last.

† For answer to this question, see answer to question No. 979.

Mr. Gaya Prasad Singh: Do Government propose to give the people of Berar an opportunity of expressing their opinion, on the principle of self-determination, before any changes are made in the political or administrative status of Berar?

Sir Evelyn Howell: I regret I cannot give the Honourable Member any information.

Diwan Bahadur A. Ramaswami Mudaliar: Will Government kindly state whether they would take this Assembly into confidence before any commitments of a wider nature than are at present incurred are entered into in connection with this question?

Sir Evelyn Howell: I would like to have notice of that question.

THIRD CLASS ACCOMMODATION PROVIDED FOR SECRETARIAT EMPLOYEES MOVING TO SIMLA FROM NEW DELHI.

983. ***Mr. Badri Lal Rastogi:** (a) Are Government aware that the Government of India staff generally prefer to move up to Simla by the 143 Up train, it being the most convenient, and that mostly applications for reserved compartments at the time of move are for smaller capacity III class compartments, say 9 seaters?

(b) Is it a fact that the stock running on the said 143 Up train from Delhi to Kalka is comprised of only three 9 seater compartments and all the remaining compartments are 40 and 20 seater III class compartments?

(c) If the reply to the above be in the affirmative, have the Railway authorities concerned considered the desirability of attaching more 9 seater compartments in the said train to meet the demand of the staff of the Government of India Secretariat? If not, why not?

Mr. P. R. Rau: (a) Yes.

(b) Government understand that the number of third class carriages with small compartments is very limited, but are not aware of the actual number of such compartments available in the stock of this train.

(c) I have communicated the Honourable Member's suggestion to the Agent, North Western Railway, for such action as the latter may consider feasible.

REPRESENTATION OF THE INTERESTS OF INDIAN SETTLERS IN TANGANYIKA.

984. ***Mr. Gaya Prasad Singh:** (a) Will Government kindly state if the representation of the Indian settlers in Tanganyika is based either on their population, or on their large commercial and settlers' interests?

(b) Are Government aware that no Indian settler in Tanganyika has yet been appointed as an officer in the territory, or to any judicial post; and that in the grant of public contracts, there is a marked tendency to ignore the claims of Indians in favour of Europeans who may even not be citizens of the Empire?

Mr. G. S. Bajpai: (a) I am sorry, Sir, I am unable to answer this part of the question, as the Honourable Member has not specified the body in respect of which he desires the information.

(b) I am prepared to accept that the position in regard to the appointment of Indians in the higher services in Tanganyika may be as stated by the Honourable Member. As regards the second part of this question, Government have no information.

Mr. Gaya Prasad Singh: Are Government aware that the condition of Indian settlers in Tanganyika is becoming as acute as that which obtains in Kenya?

Mr. G. S. Bajpai: I had the privilege about a month ago of passing through Tanganyika, and I heard very divergent views on that subject.

Mr. B. Das: In view of what the Honourable Member said regarding the employment of Indians, what steps does the Honourable Member propose to take to remedy matters?

Mr. G. S. Bajpai: The Indian community in Tanganyika have two avenues of getting redress. One is by appeal to the Permanent Mandate Commission of the League of Nations and the other is through their own representatives in the Tanganyika Legislative Council. Government do not think that in minor matters of this kind they can really interfere in what appears to be a matter of purely internal policy.

Mr. B. Das: May I ask the Honourable Member what is the use of accepting the statement, if the matter is going to be left to the representatives in the Tanganyika Legislative Council.

Mr. G. S. Bajpai: Though I said that the position stated by the questioner may be as stated by him, I accept no responsibility on behalf of Government.

Dr. Ziauddin Ahmad: In view of the divergent information which the Government have received, may I ask whether the Government would try to find out the actual position and make an attempt to redress the grievances, if they are found to exist.

Mr. G. S. Bajpai: If the Honourable Member wants to have detailed information on the subject, I should say that the great bulk of the opinion which I was able to collect in Tanganyika was to the effect that the majority of the Indian community there are quite happy.

Mr. Gaya Prasad Singh: Are Government aware that some important pieces of legislation have been passed by the Government of Tanganyika restricting the trading rights of Indian settlers in that territory?

Mr. G. S. Bajpai: I would ask my Honourable friend to exercise a little patience and wait for the answers to the further questions which he has put down on that subject.

Mr. B. Das: Does not the Honourable Member think it is high time that the Government of India should appoint an Agent in East African Tanganyika to look after the interests of the Indians there? The suggestion has been made very often from this side.

Mr. G. S. Bajpai: The suggestion regarding the appointment of an Agent in Tanganyika has only been made today. The suggestion about Kenya has been made before and has been under the consideration of the Government.

Mr. Gaya Prasad Singh: Are Government aware that the suggestion about the Agent in East Africa has been made for some time?

Mr. G. S. Bajpai: I confess that it comes to me entirely as a piece of new information today.

Mr. K. C. Neogy: Does the statement made by the Honourable Member that the majority of Indians residing in Tanganyika appear to be quite happy, represent the considered opinion of the Government of India, or is it based on certain observations made by him as a tourist in that country?

Mr. G. S. Bajpai: The Honourable Member seems to assume that my visit to Tanganyika was merely that of a tourist. It was not exactly that, because the local Indian Association came and saw the members of the delegation and stated to them what their views on the position in Tanganyika were. Now, it is perfectly clear that in regard to one or two matters they had certain representations to make, but I think that my Honourable friend, merely because one or two pieces of legislation were placed on the Statute-book recently, would not be justified in drawing the inference that the general condition of the Indian community is one of unhappiness.

Mr. K. C. Neogy: Am I to take it that the delegation was officially authorised by the Government of India to inquire into the situation in Tanganyika?

Mr. G. S. Bajpai: It was not officially authorised to inquire into the Tanganyika situation. Equally it was not officially prohibited from listening to representations that were made to them.

Mr. B. Das: Do I infer that in the opinion of the Honourable Member the situation is so good in Tanganyika and East Africa that there is no necessity for the appointment of an Agent there?

Mr. G. S. Bajpai: I never said that.

AMENDMENT OF THE TRADE LICENSING ORDINANCE IN TANGANYIKA.

985. **Mr. Gaya Prasad Singh:** (a) Are Government aware that an Ordinance, entitled "An Ordinance to amend the Trades Licensing Ordinance", was passed by the Legislative Council of Tanganyika, on the 5th February, 1932, in spite of the protest of the Indian Association, and the Indian settlers there?

(b) Is it a fact that the Ordinance creates monopolies in favour of non-Indians to the prejudice of the Indian trading and commercial interests, so far as the native produce is concerned?

(c) Are Government aware that this Ordinance is at variance with Article 7 of the mandate, which secures "to all nationals of States Members of the League of Nations the same rights as are enjoyed in the

territory by his own nationals in respect of entry into and residence in the territory, the protection afforded to their person and property, the acquisition of property, movable and immovable, and the exercise of their profession or trade"?

(d) What steps, if any, have Government taken, or propose to take in the matter?

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

(b) There is nothing in the Ordinance to show that monopolies would be created in favour of non-Indians. The Governor gave an assurance that the law would be applied with absolute impartiality.

(c) This is the view held by the Indian Association of Dar-es-Salaam. It has been brought to the notice of His Majesty's Government.

(d) Government are in correspondence with the Secretary of State on this subject.

Mr. B. Das: Is it not a fact that the Government of India contemplated the appointment of a Trade Commissioner for East Africa and that official was to be located at Zanzibar?

Mr. G. S. Bajpai: I think that question ought to be addressed to the Honourable the Commerce Member. I do not deal with Trade Commissioners.

Mr. B. Das: I addressed my question to the Treasury Benches.

The Honourable Sir George Rainy: I did not hear the Honourable Member's question.

Mr. B. Das: Is it a fact that the Government of India contemplated the appointment of a Trade Commissioner in East Africa to look after the interests of Indians there and that he was to be located at Zanzibar?

The Honourable Sir George Rainy: They certainly contemplated the appointment of a Trade Commissioner at Mombasa, but there was no question of looking after Indian interests apart from trade interests. That was not part of the scheme.

Mr. B. Das: The question put concerned the question of looking after the Indian trade interests: I was not thinking of political interests?

The Honourable Sir George Rainy: The Honourable Member is quite correct that that was part of our Trade Commissioners' scheme.

Mr. B. Das: May I inquire what led to the holding in abeyance of that particular scheme,—why no Trade Commissioner had been appointed?

The Honourable Sir George Rainy: I think the Honourable Member is aware that owing to financial stringency we can make no provision for that scheme at present.

LEVY OF A POLL TAX IN TANGANYIKA FOR EDUCATION.

986. *Mr. Gaya Prasad Singh: (a) Will Government kindly state if "an Ordinance to make provision for the levy of non-native poll tax" in Tanganyika, has been or is about to be passed in that territory, which seeks to repeal the non-native education tax? Are Government aware that this tax has been helpful in the maintenance of schools?

(b) What in short are the proposals in this Ordinance?

(c) Do Government propose to take steps to see that this Ordinance does not affect adversely the interests of the Indians there?

Mr. G. S. Bajpai: (a) The Ordinance referred to by the Honourable Member has been passed. It repeals the Non-Native Education Tax Ordinance, 1930, the proceeds from which were utilised for educational expenditure on the different non-native communities according to their respective contributions.

(b) A copy of the Ordinance has been placed in the Library of the House.

(c) The Government of India are already in correspondence with His Majesty's Government on the subject.

Mr. Gaya Prasad Singh: Is it a fact that the Government of Tanganyika spend much more money on the education of Europeans than on the education of the Indian settlers in that territory?

Mr. G. S. Bajpai: I would like the Honourable Member to put down a question on that subject. I could not say offhand.

Dr. Ziauddin Ahmad: In spite of these Ordinances, do the Government still think that the Indians there are very happy?

Mr. G. S. Bajpai: I should say that no community in the world which is called upon to pay any tax is happy over that, but that does not necessarily imply general unhappiness in them.

APPOINTMENT OF AN INDIAN AS ASSISTANT AIRCRAFT INSPECTOR.

987. *Mr. Amar Nath Dutt: (a) Is it a fact that the Government of India have invited applications for the post of Assistant Aircraft Inspector through the High Commissioner in London?

(b) If so, has any application been received from qualified Indians? What is the number of such applicants, if any?

(c) Do Government propose to give preference to an Indian, provided a qualified Indian is available?

The Honourable Sir Joseph Bhore: (a), (b) and (c). The High Commissioner has been asked to recruit a suitably qualified officer for the post of Assistant Aircraft Inspector in the Civil Aviation Directorate. Should there be Indians possessing the qualifications necessary for this particular post, subject to the paramount necessity for securing efficiency, Government are prepared to give preference to an Indian.

CENSORSHIP OF NEWS SENT TO FOREIGN NEWSPAPERS.

988. *Mr. K. C. Neogy: (a) With reference to the answer given to a supplementary question in connexion with starred question No. 805, on the 15th March, 1932, to the effect that immunity from censorship depends partly on "the responsibility of the news agency or correspondent" sending news to foreign newspapers, will Government be pleased to state by what standards is such "responsibility" judged and by whom?

(b) Is news sought to be sent by cable by any responsible non-official Indian to any British or foreign newspaper liable to be subjected to censorship, unlike news sent by any correspondent or news agency?

The Honourable Sir James Crerar: (a) The practical test is whether the concession is or is not abused, and of that Government must clearly be the judge.

(b) The arrangements in question relate to press messages only, and the ordinary procedure in other cases applies.

REVENUE SACRIFICED UNDER SECTION 49 OF THE INDIAN INCOME-TAX ACT.

989. *Mr. Rahimtoola M. Chinoy (on behalf of Mr. H. P. Mody): Will Government be pleased to state what amount of revenue has been given up by them under section 49 of the Indian Income-tax Act of 1922 during the last six years?

The Honourable Sir George Schuster: A statement is laid on the table.

Statement showing the amount of refunds granted under section 49 during the years 1925-26 to 1930-31.

	Rs.
1925-26	91,84,314
1926-27	1,08,90,863
1927-28	96,68,078
1928-29	93,02,077
1929-30	1,08,31,287
1930-31	1,00,61,217
Total	5,96,37,836

EXEMPTIONS, ETC., UNDER SECTION 60 OF THE INDIAN INCOME-TAX ACT.

990. *Mr. Rahimtoola M. Chinoy (on behalf of Mr. H. P. Mody): Will Government be pleased to state what exemptions, reductions in rate, or other modifications, if any, have been made in respect of Income-tax under section 60 of the Indian Income-tax Act of 1922?

The Honourable Sir George Schuster: The information required by the Honourable Member is contained in paragraphs 17 and 17A of the Income-tax Manual, a copy of which is kept in the Library of the House.

"EXTRAORDINARY RECEIPTS" OF THE GOVERNMENT OF INDIA.

991. ***Mr. Rahimtoola M. Chinoy** (on behalf of Mr. H. P. Mody): Will Government be pleased to lay on the table a classified statement of the "Extraordinary Receipts" of the Government of India during the last five years?

The Honourable Sir George Schuster: The attention of the Honourable Member is invited to Account No. 79-A. of the Finance and Revenue Accounts of the years concerned.

TRAINING OF INDIAN CADETS FOR THE ROYAL AIR FORCE.

992. ***Mr. B. V. Jadhav:** (a) Will Government be pleased to state whether the policy laid before this House by His Excellency the Commander-in-Chief in his speech of the 8th of March, 1928, about reserving 6 vacancies in each of the Royal Military Academy, Woolwich, and the Royal Air Force College, Cranwell, still continues in force?

(b) What is the number of cadets admitted into each college up till now, and the dates of their admission there?

(c) Have any of these completed their course and returned to India?

(d) To what units are they attached?

(e) Is there any provision made at present for cadets at the new Indian Military Academy, Dehra Dun, for Air Force or the Engineer Corps training?

Mr. G. M. Young: (a) and (e). Indian Air Force cadets will continue to go to Cranwell for the present. But Indian cadets for the artillery, engineers and signals will, after this year, be sent for training to the Indian Military Academy.

(b) **Woolwich.**—Two in September 1930, two in February 1931, two in September 1931, and three in February 1932. Three more will join in September 1932.

Cranwell.—Six in September 1930, one in September 1931, and three in January 1932. Three more will join in September 1932. Of the six admitted in September 1930, one cadet was found unfit for training in flying, and has been transferred to the Stores Branch.

(c) and (d). None of the Indian cadets at Cranwell has yet completed the course. Two cadets have completed the course at Woolwich and are now undergoing a post-graduate course in England.

PROVISION OF QUARTERS FOR THE STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

993. ***Mr. D. K. Lahiri Chaudhury** (on behalf of Mr. Goswami M. R. Puri): (a) Will Government please say what is the position at present regarding the provision of quarters for the staff of the Railway Clearing Accounts Office, Delhi?

(b) If there is no likelihood of quarters being provided in the near re, are Government prepared to consider the advisability of allowing

leased plots in Paharganj or Karol Bagh to such of the staff of the Railway Clearing Accounts Office who wish to build their own houses?

Mr. P. R. Rau: (a) It has not been possible to provide funds for this purpose in the Budget for 1932-33, but the preparation of detailed plans and estimates is in hand, so that no delay may occur when money is available.

(b) Government have so far received no applications, but the suggestion will be carefully considered.

Dr. Ziauddin Ahmad: Are Government contemplating to send part of it to Madras? In that case the question of accommodation will not arise?

Mr. P. R. Rau: No, Sir.

Dr. Ziauddin Ahmad: Are Government contemplating to do away with the office altogether as being an expensive and unnecessary waste?

Mr. P. R. Rau: No; whether it is a waste or not is a matter of opinion, Sir.

AUCTION OF LAND IN KAROL BAGH AND PAHARGANJ FOR RESIDENTIAL QUARTERS.

994. ***Mr. D. K. Lahiri Chaudhury** (on behalf of Mr. Goswami M. R. Puri): (a) Is it a fact that Government are considering the auction of leased plots of land for residential quarters in Karol Bagh and Paharganj?

(b) Is it also a fact that the staff of the Railway Clearing Accounts Office applied to the Nazul Officer for the grant of land in Karol Bagh or Paharganj for residential quarters as great hardship was experienced in the matter of accommodation, house rents, etc.?

(c) If so, will Government please say what steps are being taken to help the staff who have to pay high rents? Is it a fact that many times in this Assembly Government have shewn their intention to provide quarters for the staff? Is it a fact that nothing has been done in the matter so far and are Government aware that the hardships of the staff continue more so now-a-days on account of the 10 per cent. emergency cut recently imposed upon them?

(d) If it is not possible at this stage to build quarters for them, are Government prepared to consider their claims for the leased plots in Karol Bagh and Paharganj in preference to the outside public?

Mr. P. R. Rau: (a) and (b). I am obtaining information on the points raised and will lay a reply on the table in due course.

(c) Government regret that financial stringency has stood in the way of the building of quarters for the staff.

(d) As I have already stated, any application will receive most careful consideration.

REINTRODUCTION OF A THROUGH CARRIAGE BETWEEN LUCKNOW AND
BOMBAY ON THE GREAT INDIAN PENINSULA RAILWAY.

995. *Mr. J. Ramsay Scott: (a) Are Government aware of the discontinuance by the Great Indian Peninsula Railway authorities, with effect from the beginning of June 1931, of the upper class through composite bogie carriage on the mail trains between Lucknow and Bombay?

(b) If the answer is in the affirmative, are Government aware of the great inconvenience caused to upper class passengers travelling between the United Provinces, and particularly Lucknow and Cawnpore, and Bombay by the discontinuance of this through service?

(c) Are Government aware that the United Provinces Advisory Committee of the Great Indian Peninsula Railway have on three occasions recommended the re-introduction of this through bogie, either permanently or at least in connection with out-going and in-coming mail and passenger steamers and that the United Provinces Government have also, on the 9th October, 1931, recommended to the Great Indian Peninsula Railway authorities the feasibility of running the through bogie composite on the Punjab mail trains during the months of March-April and October-November of each year?

(d) Are Government aware that the Jhansi-Lucknow section of the Great Indian Peninsula Railway offers the main and most direct route between Bombay and two-thirds of the United Provinces, including the important cities of Cawnpore, Lucknow and Bareilly, and are Government prepared to provide on this route the same facilities for travel as are provided on the route from Jhansi to Delhi and recommend to the Great Indian Peninsula Railway the re-introduction of the upper class through composite bogie between Bombay and Lucknow via this route?

Mr. P. R. Rau: (a) Yes.

(b) Government are aware of the inconvenience caused by the discontinuance of the through service carriage.

(c) Yes.

(d) The Agent, Great Indian Peninsula Railway, has been asked to re-examine this matter.

SUPPLY OF FILTERED WATER, LIGHTING, ETC., IN KAROL BAGH, DELHI.

996. *Sirdar Harbans Singh Brar: (a) Will Government please state whether the area comprising the suburbs of Delhi known as Karol Bagh is within the limit of Delhi Municipality and taxes such as house-tax and ground-tax are realised from the house owners within that area?

(b) If so, will Government please state why facilities for the supply of filtered water, roads with drains and street lighting are not provided there?

(c) Is it a fact that the Proprietors' Association, Karol Bagh, have ventilated through a memorial to the Chief Commissioner, Delhi, in December 1931, their above grievances and no action has yet been taken? When is it likely that their grievances will be redressed?

(d) As regards water supply to Karol Bagh, do Government propose to consider the advisability of a supply of water from the new reservoir which has recently been constructed close to the area, of Karol Bagh?

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

(b) Street lighting has been provided in a large part of the area and roads are reported to be in fair condition. Drainage and water supply schemes have been worked out, but are held in abeyance on account of financial stringency.

(c) Yes. As soon as funds permit.

(d) The water-supply scheme which has been worked out provides for supply from the new reservoir.

CONFISCATION OF THE PRIVILEGE OF INTERVIEW OF CERTAIN POLITICAL PRISONERS.

997. *Mr. S. C. Mitra: Are Government aware of the fact that the privilege of interview of some C class political prisoners has been confiscated for 6 months in the Ajmer Jail? What is their number and why have they been so punished?

Sir Evelyn Howell: With your permission, Sir, I propose to answer questions Nos. 997, 999 to 1003 and 1005 to 1019 together. The information is being collected and will be given to the House in due course.

Mr. Gaya Prasad Singh: Are Government aware that there is no non-official visitor of the Ajmer Central Jail, and if there is none, why?

Sir Evelyn Howell: I would like to have notice of that question, please.

INSUFFICIENCY OF CLOTHES PROVIDED FOR PRISONERS IN THE AJMER JAIL.

998. *Mr. S. C. Mitra: (a) Are Government aware of the fact that in Ajmer Central Jail only one *jangia* is provided and not two as stated by Sir Evelyn Howell in reply to Mr. Gaya Prasad Singh's starred question No. 707 on March 9th, 1932?

(b) Do not Government feel that even for washing the one *jangia* the prisoners have to remain almost naked?

Sir Evelyn Howell: (a) "One pair of *Jangias*" means a single garment.

(b) No doubt that is so.

Mr. S. C. Mitra: Does the Honourable Member appreciate the situation and would he like to continue the same situation, or does he want to give two pairs of *jangias* to each?

Sir Evelyn Howell: I shall consider the Honourable Member's suggestion.

Mr. Gaya Prasad Singh: Does not the Honourable Member think that the practice is simply barbarous?

Sir Evelyn Howell: It is most universal, Sir, in this country.

Mr. Gaya Prasad Singh: Is it not monstrous that there is only a single pair of *jangias* supplied, and while that is being washed, the prisoner has to remain absolutely naked?

Sir Evelyn Howell: Sir, the question stated:

"Do not Government feel that even for washing the one *jangia* the prisoners have to remain almost naked?" The answer given was that no doubt that was so.

Mr. B. Das: May I inquire of the Honourable Member if it is the practice throughout all the jails in India to only allow one pair of *jangias* to the ordinary criminal prisoners and to allow them to remain naked while that pair is being washed?

The Honourable Sir James Crerar: I have studied the jail administration with great care, Sir, but I could not, in reply to a supplementary question, commit myself to what is the practice in every jail in India.

Mr. S. C. Mitra: Is the practice in question prevalent in all the jails in the centrally administered areas—namely, that only one single garment is supplied, and while that is being washed, the prisoner has to remain naked—or the practice is only confined to Ajmer?

The Honourable Sir James Crerar: I should like to avoid any possibility of giving the Honourable Member any inaccurate information. I must therefore ask for notice.

Mr. Gaya Prasad Singh: Do Government realize the significance of the reply of the Honourable the Foreign Secretary to this question? Is it really the position that the prisoners all over India or even in Ajmer jail have to remain naked while their single *jangia* is being washed?

The Honourable Sir James Crerar: I did not understand the statement of my Honourable friend to have that effect.

Diwan Bahadur Harbilas Sarda: Is it in order that this kind of treatment to the prisoners in the Ajmer jail may not be questioned or objected to by outsiders, that no jail visitors to Ajmer jail are appointed?

Sir Evelyn Howell: No, Sir.

Mr. B. V. Jadhav: Is it the desire of Government then to encourage the new naked cult in the prisons? (Laughter.)

CONFINEMENT IN A DARK CELL OF A PRISONER IN THE AJMER CENTRAL JAIL.

†999. ***Mr. S. C. Mitra:** Is it a fact that Sgt. Narsingh Das has been kept in a dark cell in the Ajmer Central Jail? If so, why?

HUNGER STRIKE OF A PRISONER IN THE AJMER JAIL.

†1000. ***Mr. S. C. Mitra:** Are Government aware of the fact that Master Lakshmi Narain has been on hunger strike since 1st March, 1932, in the Ajmer Central Jail? What are the reasons?

†For answer to this question, see answer to question No. 997.

REMOVAL UNDER THE ORDINANCE OF PRIVATE MONEY BY THE AJMER POLICE.

†1001. ***Mr. S. C. Mitra:** Are Government aware of the fact that the Ajmer Police while searching some places for Congress moneys on 17th February, 1932, took away private moneys of the persons for whom the notice under section 3 of sub-section 7 of Ordinance No. IV of 1932 was meant and also of their family members, though the attention of the Police Officer, Sardar Ishwar Singh, was drawn and objection raised by Mr. Srilal, B.A., LL.B., Vakil, that he was not authorised to take away private moneys?

AUCTION OF PRIVATE PROPERTY IN THE GANDHI ASHRAM AT HATUNDI.

†1002. ***Mr. S. C. Mitra:** (a) Is it a fact that the Gandhi Ashram, Hatundi, is a notified area?

(b) Are Government aware of the fact that the private properties of the inmates of the Ashram and the furniture of the Ashram School have also been auctioned?

ARREST OF A SHOPKEEPER FOR FLYING THE CONGRESS FLAG.

†1003. ***Mr. S. C. Mitra:** Are Government aware of the fact that the national flag was flying on the 26th January, 1932, on an open roof in Ghasity Mohalla, Ajmer and that Seth Kalyan Mal, a shopkeeper, was taken into custody, abused by the Sub-Inspector, detained the whole day, was forced to apologise and then released, though the said Kalyan Mal informed the police of his utter ignorance in this matter at the very outset?

ALLEGATIONS ABOUT THE "DEOLI DETENUS CAMP".

1004. ***Mr. S. C. Mitra:** (a) How many prisoners are there at present in the Deoli detenus camp?

(b) Are Government aware that these detenus are assaulted by the staff on the slightest pretext and the Superintendent recommends kicks when they ask for medicine?

(c) Are Government aware of the fact that one Bengali gentleman, who happened to pass by the camp, was brutally assaulted to unconsciousness and that people passing by the camp are generally maltreated and molested?

(d) Is there any non-official visitor in Deoli Camp; if not, are Government prepared to appoint one now?

The Honourable Sir James Crerar: (a), (b) and (c). There are no detenus at present in the proposed Deoli Camp Jail which has not yet been opened. The Honourable Member will therefore realise that the allegations are without any foundation.

(d) Non-official visitors will be appointed in due course if and when the Camp Jail is opened.

Mr. K. C. Neogy: Will not the non-official visitors be of the usual toady class?

†For answer to this question, see answer to question No. 997.

Mr. Gaya Prasad Singh: May I take it that there is not one prisoner at present confined in the Deoli jail?

The Honourable Sir James Crerar: There is none.

ARREST OF YOUNG BOYS IN AJMER.

†1005. ***Mr. S. C. Mitra:** (a) Are Government aware of the fact that in Ajmer young boys below 16 are put under arrest and set free after having been stripped of their clothing? Will they state under which law or Ordinance all this is being done?

(b) Are Government aware of the fact that six boys under the age of 16 while making some demonstrations in the court compound of Ajmer, were arrested and summarily convicted for lurking and house trespass and flogged?

(c) Do Government intend to issue instructions to Local Governments for the discontinuance of flogging?

CLASSIFICATION OF PRISONERS IN THE AJMER CENTRAL JAIL.

†1006. ***Mr. S. C. Mitra:** (a) How many political prisoners are there at present in Ajmer Central Jail and how are they classified? Why is none considered eligible for 'B' class?

(b) Do Government think that there was any mistake in the classification of political prisoners during the civil disobedience movement of 1930-1931? If not, will they state reasons why prisoners formerly classed 'A' are now awarded 'C' class, e.g., Messrs. Baijnath Mahodaya, B.A., Gopikishan, Narsinghdas, Ladhuram, Ramadevi, Bhikamsingh, Nityanand Nagar, Rishidutt Mehta, Govardhan and others?

CLASSIFICATION OF PRISONERS IN THE AJMER CENTRAL JAIL.

†1007. ***Mr. S. C. Mitra:** Are Government aware of the fact that prisoners are generally classified a long time after their conviction and during this interval persons of even high academical qualifications and social status are given 'C' class treatment? Do Government propose to ask the Ajmer-Merwara administration to advise Magistrates to classify people at the time of conviction?

CLASSIFICATION OF PRISONERS IN THE AJMER CENTRAL JAIL.

†1008. ***Mr. S. C. Mitra:** Will Government please state whether Mrs. Shoba Lal Gupta has been put in 'C' class in the Ajmer jail while Mr. Shoba Lal has been awarded 'A' class? If so, why?

STANDARD OF DIET OF "C" CLASS PRISONERS IN AJMER.

†1009. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state the reasons why there has been a change in the standard of diet allowed to 'C' class prisoners in Ajmer this year from that allowed during the civil disobedience movement last year?

(b) Is it a fact that the standard of diet last year was:—Wheat flour 12 chataks, Ghee $\frac{1}{2}$ chatak, Dal 3 chataks, Vegetable 2 chataks, private cooking allowed and the standard of diet this year is—Half-baked Roties and black Dal, boiled leaves of vegetables?

†For answer to this question, see answer to question No. 997.

CORN-GRINDING LABOUR GIVEN TO POLITICAL PRISONERS.

†1010. ***Mr. S. C. Mitra:** (a) How many of the political prisoners in Ajmer were given corn-grinding labour at the outset? Is it not a fact that this is the general practice with nearly all the political prisoners for some days in the beginning?

(b) Will Government be pleased to explain the justification in giving corn-grinding labour to people like Prof. Gokul Lal, M.A., a thin man of about 80 lbs. an 'A' class prisoner, Mr. E. S. Deshpande, B.Sc. and Mr. Baij Nath Mahodaya, B.A., in the Ajmer Central Prison?

(c) Is it a fact that one political prisoner was put in a dark cell for not being able to grind full 15 seers?

HUNGER STRIKE OF POLITICAL PRISONERS IN AJMER.

†1011. ***Mr. S. C. Mitra:** Is it a fact that a number of political prisoners in Ajmer Central Jail went on hunger-strike recently? What was the exact number of these hunger-strikers? What is the cause and the duration of the hunger-strike? How did it end?

COMPLAINT ABOUT THE TREATMENT OF PRISONERS IN THE AJMER CENTRAL JAIL.

†1012. ***Mr. S. C. Mitra:** (a) Is it a fact that Pt. Jainarain Vyas, Secretary of the Beawar District Congress Committee, was abused by a warder in the Ajmer Central Jail and on complaint to the Jailor, the latter refused to ask the warder to apologise? Is it a fact that the Jailor himself twisted the ear of and slapped Sjt. Durga Prashad Choudhary, Captain of Provincial Volunteer Corps, and kicked and otherwise assaulted Sjt. Lal Chand a volunteer? Is it a fact that these among others were the causes of hunger-strike referred to in the preceding question?

(b) Is it a fact that water was not supplied to Mr. Vyas for two days while he was on hunger-strike and that food was not given for more than one day to all 'C' class political prisoners, although they went on only a single day's sympathetic hunger-strike?

(c) What punishments, if any, have been awarded to the hunger-strikers by the jail authorities? How many have been so punished?

CONDITIONS OF INTERVIEWS WITH POLITICAL PRISONERS IN THE AJMER CENTRAL JAIL.

†1013. ***Mr. S. C. Mitra:** Are Government aware that interviews with political prisoners in the Ajmer Jail are generally allowed only on Sundays; that this practice is enforced even in the case of undertrial prisoners; that this practice is not in accordance with the Jail rules; that ladies and gentlemen have to stand in the sun outside the Jail while interviewing the political prisoners; that interviews even with 'A' class prisoners are held under similar circumstances and that it was not so last year when all political prisoners, whether in 'A' or 'C' class, were allowed interviews sitting inside the Jail? Will Government be pleased to state reasons for this change?

†For answer to this question, see answer to question No. 997.

ALLEGED HARASSING OF PRISONERS IN THE AJMER CENTRAL JAIL.

†1014. ***Mr. S. C. Mitra:** Are Government aware that there is a great discontent among prisoners, their friends and relatives, against the generally humiliating autocratic harassing and differential treatment meted out by the Jailor of the Ajmer Central Jail? Is it a fact that the Jailor refused to deliver some articles of dress, toilet, books, etc., to Messrs. Shoba Lall and Haribhan, 'A' class prisoners, on the ground that he could accept articles only if similar things were brought for all 'A' class prisoners?

RECORD OF WEIGHTS OF POLITICAL PRISONERS IN THE AJMER CENTRAL JAIL.

†1015. ***Mr. S. C. Mitra:** (a) Will Government be pleased to place on the table the record of the weights of all the political prisoners in the Ajmer Central Jail?

(b) Is it a fact that Messrs. Baij Nath Mahodaya, B. S. Deshpande, Bhikam Singh and some more have lost 10 to 15 lbs. of weight?

DISALLOWANCE OF A RELIGIOUS BOOK TO A PRISONER IN THE AJMER CENTRAL JAIL.

†1016. ***Mr. S. C. Mitra:** Are Government aware of the fact that even a religious book like *Atharwa Waid* was disallowed to prisoner Gopikishan in the Ajmer Central Jail and no reason was assigned for this?

PROVISION OF A NON-OFFICIAL VISITOR FOR THE AJMER CENTRAL JAIL.

†1017. ***Mr. S. C. Mitra:** Is there a non-official visitor for Ajmer Central Jail? If not, why not? Do Government propose to appoint one now?

LACK OF SOAP AND OIL IN THE AJMER CENTRAL JAIL.

†1018. ***Mr. S. C. Mitra:** Is it a fact that washing soap and oil are not allowed even to lady prisoners in the Ajmer Central Jail?

ALLEGED OBJECTIONABLE METHODS IN SEARCH FOR CONGRESS FUNDS ADOPTED BY THE POLICE INSPECTOR, AJMER.

†1019. ***Mr. S. C. Mitra:** (a) Do Government know that during searches for Congress money Sardar Ishwar Singh, Police Inspector, Ajmer, put altogether impertinent and unnecessary questions even to the ladies, and searched even household utensils, glass phials, clothing, empty match boxes, etc., and that the Police took away private money for which they were not authorised by warrants? Do Government propose to hold an enquiry into the matter?

(b) Will Government please state why the account books current and old of some firms taken away during the searches, have not been returned even up to this time, though about a month has passed since they were taken away?

†For answer to this question, see answer to question No. 997.

CLOTHING ALLOWANCE OF BRITISH AND INDIAN TROOPS.

1020. ***Mr. B. Das:** (a) What was the total amount of clothing allowance paid for the year 1930-31.

- (i) to British troops;
- (ii) to Indian troops;
- (iii) to the British soldiers; and
- (iv) to the Indian soldiers?

(b) What proportion of the sum so paid is in respect of actual clothing and what proportion in respect of cleaning materials, repairs and other similar heads?

(c) Is it a fact that troops are under obligation to purchase all regulation items of clothing through the Quartermaster's store of the unit to which they belong?

(d) How much of the amount paid as clothing allowance is received back by Government through the Quartermaster's stores?

(e) What becomes of the balance allotted for purchase of regulation items of clothing? Is this balance retained by the soldier?

(f) Will the Army Secretary lay on the table a copy of the regulations covering the payment of clothing allowance and a complete statement showing how this balance is spent?

Mr. G. M. Young: (a) (i) Rs. 55,43,000.

(ii) Rs. 50,80,000.

(iii) Rs. 95-4-0, a year.

(iv) Rs. 29-4-0, a year.

(b) The proportions are 62·8 per cent. and 37·2 per cent. in the case of a British soldier, and 82 per cent. and 18 per cent. in the case of an Indian soldier.

(c) Yes.

(d) 41·6 per cent. of the total allowance or 55·5 per cent. of that part of the allowance which is meant for the up-keep of authorised clothing and necessaries.

(e) The balance is retained by the soldier.

(f) The Honourable Member is referred to paragraphs 150 to 201 of the Clothing Regulations, India, and Army Instructions (India) No. B.97 of 1929, Nos. 39 and 46 of 1930 and No. 110 of 1931. If the Honourable Member wishes to know the scales on which the soldier is required to maintain personal clothing and necessaries, I would refer him to pages 119 to 152 of the Clothing Regulations. If however he wishes to know how each soldier spends that portion of his allowance which he does not spend in the Quartermaster's store, I am afraid that the information is unobtainable.

RECRUITMENT OF PUNJABI MUSSALMANS TO GUARD ARMY HEADQUARTERS.

1021. ***Sardar G. N. Mujunder:** (a) Is it a fact that fourteen Punjabi Mussalmans have been recruited to guard the Army Headquarters in New Delhi and Simla?

(b) What was the reason for their recruitment? Has there occurred any special necessity for doing so after the Great War?

(c) What extra expenditure has been caused to Government through this? From what Grant are they paid and what is the amount that each recruit receives?

(d) Are Government aware that many frictions have occurred between these gate-keepers and the Army Headquarters staff?

(e) Do Government propose to dispense with their services? If not, why not?

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

(b) To prevent the entry of unauthorised persons into Army Headquarters. The reply to the last portion is in the affirmative.

(c) The additional expenditure amounts to about Rs. 4,840 per annum. The gate keepers are paid from the Army Estimates at the following rate:

One Non-Commissioned Officer-in-Charge—Rs. 30-8-0 per mensem;
Remainder—Rs. 25-8-0 per mensem.

(d) No, Sir.

(e) No, Sir, for the reason stated in the reply to part (b).

BARBED WIRE FENCE ROUND THE OFFICE OF THE QUARTERMASTER GENERAL IN SIMLA.

1022. ***Sardar G. N. Mujumdar:** (a) Is it a fact that the offices of the Quartermaster General in India in Simla, have been fenced with barbed wire entanglements after the recruitment of the gate-keepers? What was the amount spent on them?

(b) Why was this entanglement not considered during the Great War and what special reason is there for it during normal times?

(c) Is it a fact that the building in which His Excellency the Commander-in-Chief has his office has not yet been similarly fenced? If so, will Government be pleased to state why the building in which the Quartermaster General in India works has been fenced?

(d) What is the necessity for this fence when ex-soldiers picket the Quartermaster General's Branch?

(e) Do Government propose to remove the barbed wire fencing? If not, why not?

Mr. G. M. Young: (a) Yes; the amount spent was Rs. 2,230.

(b) To prevent the entry of unauthorised persons into Army Headquarters.

(c) Barbed wire fencing is not necessary in the building referred to, as it is already protected by barriers and gates.

(d) The gatekeepers are stationed at the open gates. The object of the fencing is to prevent unauthorised persons entering the building at other points.

(e) No, Sir, for the reasons given in my reply to part (d) of this question.

AYURVEDIC DISPENSARIES IN DELHI AND LACK OF SIKH HAKIMS OR VAIDS.

1023. ***Sardar Sant Singh:** (a) Is it a fact that there are 2 *Unani* and 3 *Ayurvedic* Dispensaries at Delhi and New Delhi run by the Delhi and New Delhi Municipalities? If so, in which localities and when were they opened?

(b) Is it also a fact that there is no Sikh *Hakim* or *Vaid* working in any of these dispensaries? If so, who are the gentlemen employed in these dispensaries and what are their qualifications, pay and other allowances?

(c) Is there any likelihood of there being any addition in the establishment of the *Hakims* or *Vaids* in the near future or in 1932 under any of these Municipalities? If so, under what categories and when?

(d) If the reply to part (c) be in the affirmative, are Government prepared to order the recruitment of a Sikh *Hakim* in the next vacancy? If not, why not?

Mr. G. S. Bajpai: (a) Yes. A statement showing where these dispensaries are located and when they were opened, is laid on the table.

(b) Yes. A statement giving the rest of the information asked for by the Honourable Member is also laid on the table.

(c) and (d). A *Hakim* will be required for the new *Unani* dispensary which is to be opened in New Delhi during the next financial year. Applications have been invited and the claims of Sikh candidates will be duly considered with others when a selection is made.

Statement referred to in reply to part (a) of starred question No. 1023.

	Opened.
Unani dispensary at Chandni Mahal, Delhi	1925-26
Ayurvedic dispensary at Nai Sarak, Delhi	1925-26
Unani dispensary at Sabzimandi, Delhi	1927-28
Ayurvedic dispensary at Ajmeri Gate, Delhi	1928-29
Ayurvedic dispensary at Gol Market at New Delhi	1930

Statement referred to in reply to part (b) of starred question No. 1023.

There are seven Vaids and Hakims employed in the dispensaries, five Hindus and two Muhammadans. Four are in the grade of Rs. 70—4—100 p. m., with free quarters, two in the grade of Rs. 40—3—70 p. m. and one on a pay of Rs. 50 p. m. As regards qualifications, excepting the Vaid in charge of the Ayurvedic dispensary at New Delhi who has passed the Ayurvedicharya examination of the All-India Ayurveda Maha Mandal and Vidya Pith of Madras in 1925 and is a graduate in Medicine of the Gurukul Medical College, Gurukul University, Haridwar, all of them fulfil the conditions laid down by rules framed by the Local Administration.

INCREASE OF PERCENTAGE AFTER RETRENCHMENT OF HINDUS IN THE ARCHÆOLOGICAL DEPARTMENT.

1024. ***Haji Chaudhury Muhammad Ismail Khan** (on behalf of Mr. M. Maswood Ahmad): (a) Will Government kindly state the percentage of the Hindu, Muslim, and European Officers in the Archæological Department, Class I, before and after retrenchment?

(b) Is it a fact that the percentage of the Hindu officers has considerably increased as compared with that of the Muslims?

(c) Is it a fact that while European and Muslim officers of six or seven years' service have been retrenched a Hindu officer has been appointed only in July last? If so, how do Government justify his appointment?

Mr. G. S. Bajpai: (a) A statement giving the information required is laid on the table.

(b) Only slightly owing to decrease in the European strength of the Department.

(c) Yes; this officer has been retained in view of his special technical qualifications.

Statement showing the percentages of Hindu, Muslim and European officers in the Archaeological Survey of India before and after retrenchment.

<i>Before retrenchment.</i>		
Hindus.	Muslims.	Europeans.
52.4	28.6	14.3
<i>After retrenchment.</i>		
57.9	31.5	5.3

NEW APPOINTMENTS IN THE INCOME-TAX DEPARTMENT IN THE PUNJAB, NORTH-WEST FRONTIER PROVINCE AND DELHI.

1025. *Khan Bahadur Haji Wajihuddin: Will Government please lay on the table a statement showing the number of the following appointments made in the Income Tax Department, Punjab, North-West Frontier and Delhi Provinces, in connection with the sur-charge and lowering of taxable limit from Rs. 2,000 to Rs. 1,000?

Name of Appointment.	Total No. employed.	Muslims.
Income-tax Officers		
Inspectors		
Head Clerks		
Head Assistants		
Assistant Clerks		

The Honourable Sir George Schuster: The information is being obtained and will be laid on the table in due course.

EMPLOYMENT OF MUSLIMS IN THE INCOME-TAX DEPARTMENT.

1026. *Khan Bahadur Haji Wajihuddin: (a) Will Government please give a detail of the assistant clerks employed for surcharge and ordinary work, and for Income Tax Officers?

(b) Is it a fact that most of the Muslims have been employed specifically for surcharge work and that all of them will be turned out in March?

(c) If so, are Government prepared to consider the advisability of retaining the Muslims in such a number as to remove the previous inadequacy in the representation of Muslims in the Income Tax Department?

The Honourable Sir George Schuster: Certain information is being obtained and a reply will be laid on the table in due course.

DISPOSAL OF ESTABLISHMENT CASES IN THE INCOME-TAX DEPARTMENT IN THE PUNJAB, NORTH-WEST FRONTIER PROVINCE AND DELHI.

1027. *Khan Bahadur Haji Wajihuddin: Is it a fact that all the establishment cases in the Income Tax Department are dealt with by a non-gazetted Superintendent in preference to a gazetted Personal Assistant to the Commissioner in the Provinces of Punjab, North-West Frontier and Delhi? If so, are Government prepared to consider the advisability of assigning the whole or part of the establishment work to the gazetted officer?

The Honourable Sir George Schuster: Establishment cases, like other files, are submitted to the Commissioner of Income-tax, Punjab, North-West Frontier Province and Delhi by a Superintendent who is a non-Gazetted officer since there is no regular Gazetted Personal Assistant. They are dealt with by the Commissioner himself.

The Government are not prepared to interfere with the Commissioner's discretion as to the distribution of work in his office.

APPOINTMENT OF A MUSLIM AS ASSISTANT COMMISSIONER OF INCOME-TAX.

1028. *Khan Bahadur Haji Wajihuddin: Is it a fact that Government have never appointed a Muslim Assistant Commissioner so far? If so, do they propose to give the next appointment to a Muslim?

The Honourable Sir George Schuster: I presume that the Honourable Member's question relates to the Punjab, North-West Frontier Province and Delhi. No Mussalman has hitherto been appointed as Assistant Commissioner in these Provinces. It is not likely that any early vacancy will occur, and I cannot foretell what promotion will be made when it does occur. I can only say that promotions must, according to the Government's settled practice, be regulated primarily with reference to the qualifications and claims of individual officers and the interests of efficiency rather than by communal qualification.

APPOINTMENT OF A MUSLIM AS COMMISSIONER OF INCOME-TAX IN THE PUNJAB, NORTH-WEST FRONTIER PROVINCE AND DELHI.

1029. *Khan Bahadur Haji Wajihuddin: Is it a fact that the post of the Income Tax Commissioner in the Punjab, North-West Frontier and Delhi is reserved for an I. C. S. officer?

(b) If so, are Government prepared to consider the advisability of appointing a Muslim I. C. S. officer to that post?

The Honourable Sir George Schuster: (a) The post of Commissioner of Income-tax is not reserved for the I. C. S. At present three Income-tax Commissionerships are held by officers who are not members of the

I. C. S., including the post of Commissioner, Punjab, North-West Frontier Province and Delhi to which the Honourable Member refers.

(b) The aim of the Government is to fill these Commissionerships by promotion within the Department as far as possible and such promotion is not regulated by communal considerations. I might mention as a matter of interest that, of the two Indians who at present hold posts as Commissioners of Income-tax, one is a Mussalman and the other a Parsi. So far as can be foreseen no vacancy in the appointment of Commissioner of Income-tax, Punjab, North-West Frontier Province and Delhi is likely to occur in the near future.

BYE-LAWS FOR SWEETMEAT SHOPS AND MEAT SHOPS IN DELHI.

1030. ***Bhai Parma Nand:** (a) Is it a fact that the Health Officer of Delhi City Municipality, considering the insanitary state of meat shops in Delhi, framed certain bye-laws about six years ago for their better supervision?

(b) Is it a fact that the Health Officer originally did not think it necessary to frame bye-laws for sweetmeat shops, but later on he did so?

(c) Is it a fact that these bye-laws were unanimously passed by the Executive Committee but were not confirmed at the ordinary meeting for a very long time?

(d) Is it a fact that when these were passed, no Christian member was present in the committee?

(e) Is it a fact that these bye-laws were unanimously passed?

(f) Is it a fact that the Health Officer considered the framing of bye-laws as urgent in the case of meat shops but not in the case of sweetmeat shops?

(g) Is it a fact that the Local Government have given their approval to the sweetmeat shops bye-laws but withheld their approval for the meat shop bye-laws?

(h) Is it a fact that almost all the meat shops are owned by the Muslims and most of the sweetmeat shops by Hindus?

(i) If the reply to parts (e) and (f) is in the affirmative, will Government be pleased to state the reasons that led the Honourable Chief Commissioner to make this distinction?

Mr. G. S. Bajpai: Material for answering the question is being collected, and the information asked for by the Honourable Member will be laid on the table in due course.

PREVIOUS SERVICE OF MR. MONOHAR LAL, NOW IN THE OFFICE OF THE DIRECTOR OF ORDNANCES (PROVISION).

1031. ***Mr. B. N. Misra** (a) With reference to part (b) of the reply to unstarred question No. 133, dated the 7th March, 1932, is it a fact that Mr. Manohar Lal was not recruited from the Ferozepore Arsenal for service in the office of the Assistant Director of Ordnance Services (Provision)?

(b) Is it a fact that prior to transfer to his present office Mr. Manohar Lal was serving as Assistant Cashier of the Quartermaster General's Branch which he entered some 12 years ago?

(c) If the answers to parts (a) and (b) above be in the affirmative, will Government please say how they reconcile the two facts as explained by them in parts (a) and (b) of the answer given on the 7th March, 1932?

Mr. G. M. Young: (a) Mr. Manohar Lal was recruited from the Ferozepore Arsenal in 1920, for service in the office of the Director of Ordnance Services, which then included the present office of the Assistant Director of Ordnance Services (Provision).

(b) Yes. Mr. Manohar Lal was employed as an Assistant Cashier in the Quartermaster General's Branch from the 1st April 1924 to the 31st March 1929.

(c) Mr. Manohar Lal was originally recruited from an arsenal. Moreover, the orders at present in force were issued in October, 1929, and had reference to future recruitment only, and not to promotion.

PREVIOUS SERVICE OF MR. MONOHAR LAL, NOW IN THE OFFICE OF THE DIRECTOR OF ORDNANCES (PROVISION).

1032. ***Mr. B. N. Misra:** (a) With reference to parts (b) and (c) of the reply to unstarred question No. 135, dated 7th March, 1932, is it a fact that until the date of his latest promotion to the upper-time scale, Mr. Monohar Lal was carrying the Cashier's allowance with him, the amount, having been merged into his lower-time scale assistant's pay?

(b) If the answer to part (a) above be in the affirmative, how do Government reconcile the discrepancy between the answer given on the 7th March, 1932, and that now given?

Mr. G. M. Young: (a) and (b). The Cashier's allowance was merged into Mr. Manohar Lal's initial pay in the 1st Division as a personal allowance to be absorbed by subsequent increments, in order to protect him against a reduction in his emoluments on promotion, and not in consideration of his performing the duties of a Cashier in addition to other duties.

RETRENCHMENT OF THE APPOINTMENTS IN ARSENALS OF CERTAIN MEN BROUGHT FROM ARSENALS TO ARMY HEADQUARTERS.

1033. ***Mr. B. N. Misra:** (a) With reference to parts (a) and (b) of the reply to unstarred question No. 137, will Government please state the number of men on lower rates of pay who have been brought up from arsenals to replace the six Army Headquarters clerks?

(b) In view of the fact that they have not been replaced on the arsenal establishments, will Government please say whether these men were not surplus to the requirements of the arsenals from which they have come?

(c) Having regard to the crying need for retrenchment everywhere, do Government propose to consider the possibility of reducing the number of men in the arsenals by six?

(d) Is it a fact that the saving effected by reducing the six Army Headquarters clerical appointments is being utilized to finance the two posts of Superintendents now created temporarily, and that the reduction of the six clerks bears no connexion with the lower paid arsenal clerks?

Mr. G. M. Young: (a) Nine clerks have been brought up from arsenals temporarily, not to replace the six Army Headquarters clerks, whose appointments were abolished, but to assist in the introduction of a new procedure for the control of stores.

(b) They were not surplus to requirements in arsenals, from which they have been temporarily spared in order to carry out urgent reorganisation work at Army Headquarters.

(c) The matter will be considered when the reorganisation work at Army Headquarters has been completed.

(d) Yes.

DUTIES OF MEN PROMOTED IN THE OFFICE OF THE ASSISTANT DIRECTOR OF ORDNANCE SERVICES (PROVISION).

1034. ***Mr. B. N. Misra:** Is it a fact that the duties of the men who have been lately promoted Superintendents and upper-time scale assistants in the office of the Assistant Director of Ordnance Services (Provision), Army Headquarters, have undergone no change?

Mr. G. M. Young: There has been no change in the duties of assistants who were formerly employed as Superintendents and have now been graded as such, but the duties of assistants promoted to the upper time scale have increased.

PROMOTION OF A CASHIER IN THE OFFICE OF THE ASSISTANT DIRECTOR OF ORDNANCE SERVICES (PROVISION).

1035. ***Mr. B. N. Misra:** Is it a fact that a Cashier has been promoted to the upper-time scale in the office of the Assistant Director of Ordnance Services (Provision) and are Government prepared to instruct all their offices that there is no bar against a cashier rising to a superintendentship?

Mr. G. M. Young: No, Sir. The assistant after promotion was not employed solely as a cashier, but combined that with various other duties. The latter part of the question does not therefore arise.

THEFT BY BRITISH SOLDIERS IN THE BAREILLY BRITISH INFANTRY BAZAR.

1036. ***Mr. K. P. Thampan:** (a) Will Government be pleased to state whether it is a fact that a dacoity was committed by the British soldiers on the 24th December, 1930, at Bareilly British Infantry Bazar and the Sessions Judge at Bareilly convicted some of the soldiers with imprisonments ranging from 3 years to 3 months?

(b) Is it a fact that though the matter was reported to the military authorities at Bareilly the next morning after the occurrence and they were satisfied (by the discovery of some of the lost articles in the box of one of the soldiers and by the identification of the bed irons left behind in the shops as belonging to the barracks) that the soldiers had something to do with the dacoity the military authorities refused to allow the Civil Police to make a search of the barracks till after the expiry of 2 weeks?

(c) Was any departmental enquiry made by the Officer Commanding or any other military authority on the part played by the soldiers in this dacoity and were any of the soldiers other than those convicted by the Sessions Judge of Bareilly dealt with departmentally?

(d) Is it a fact that at the hearing of the case at the Session Court the more serious charges such as committing dacoity and being in possession of articles stolen in a dacoity were not pressed and the indictment was for minor offences of theft, etc.?

(e) Will Government state whether they have perused the judgment of the Sessions Judge at Bareilly (Trial No. 3 of 1931) and the connected papers and considered the question as to whether condign punishment has been meted out to the offenders?

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

(b) No, Sir. A search was carried out in the lines of the 1st Battalion, The Duke of Cornwall's Light Infantry, in the presence of civil police officials, on the day following that of the dacoity.

(c) A military Court of Enquiry was held on the 29th December. The enquiry proved abortive, as civilian witnesses failed to identify any of the soldiers. The case was then handed over to the Civil Police.

(d) No, Sir.

(e) Government have read the judgment, and see no reason to question it.

COMPENSATION FOR THEFT BY BRITISH SOLDIERS IN THE BRITISH INFANTRY BAZAR, BAREILLY.

1037. ***Mr. K. P. Thampan:** Will Government be pleased to state:

(a) whether they received any memorials from some of the shopkeepers at Bareilly British Infantry Bazar, praying that they may be compensated for the loss suffered by them in the dacoity committed by the British soldiers on the 24th of December, 1930, and their petitions were rejected;

(b) whether Government have been giving any compensation to the sufferers in cases of such excesses committed by the soldiers; and

(c) whether they are prepared to consider the desirability of doing something to allay the discontent?

Mr. G. M. Young: (a) Petitions have been received at Army Headquarters.

(b) No.

(c) Government are not liable to pay compensation in such cases, nor is it their practice to do so.

Mr. K. P. Thampan: May I know whether the Government have consulted their legal advisers and made sure that there is no legal obligation to make good the losses sustained by these people in this dacoity?

Mr. G. M. Young: The answer is in the negative.

CONSTRUCTION OF A ROMAN CATHOLIC CHURCH AT MINGALADON CANTONMENT.

1038. ***Sirdar Sohan Singh** (on behalf of Mr. Jehangir K. Munshi): (a) Will Government be pleased to state whether the plans and estimates of the Mingaladon Cantonment Roman Catholic church have been completed and sanctioned?

(b) Are Government prepared to take necessary steps and issue necessary instructions for the early completion of the church?

(c) Will Government be pleased to state when they expect the church to be available for the British troops in the Mingaladon Cantonment?

The Honourable Sir George Rainy: (a) A plan and a preliminary estimate relating to the project were received, but have recently been returned to the Local Government for further scrutiny in certain respects.

(b) and (c). I am afraid it is not at present possible to say when the church can be built. Owing to the existing financial stringency, Government have been compelled to postpone expenditure on all new civil major works.

RACIAL DISCRIMINATION BY THE BRITISH INDIA STEAM NAVIGATION CO. IN DISEMBARKING PASSENGERS.

1039. ***Sirdar Sohan Singh** (on behalf of Mr. Jehangir K. Munshi): (a) Is it a fact that the British India Steam Navigation Co., Ltd., issue "Debarkation Passes" at Rangoon and Calcutta to Asiatic passengers and not to European and American passengers?

(b) Is it a fact that European and American passengers are allowed to disembark and pass through the gate at Rangoon and Calcutta without any "Debarkation Pass"?

(c) Is it a fact that Asiatic passengers—even first and second class Asiatic passengers—are not allowed to disembark and pass through the gate at Rangoon and Calcutta without being called upon to produce the "Debarkation Passes" issued by the British India Steam Navigation Co., Ltd.?

(d) What is the object of the British India Steam Navigation Co., Ltd., in observing this racial discrimination and in imposing this restraint on Asiatic passengers?

(e) Are the Government of India prepared to issue necessary orders to stop this practice?

The Honourable Sir George Rainy: The Government of India are not in possession of the information asked for. Enquiries are, however, being made from the local authorities, and on receipt of the information, a reply will be laid on the table of the House.

ALLEGED RACIAL DISCRIMINATION IN THE MEDICAL EXAMINATION OF LADY PASSENGERS EMBARKING AT CALCUTTA FOR RANGOON.

1040. ***Sirdar Sohan Singh** (on behalf of Mr. Jehangir K. Munshi): (a) Is it a fact that first and second class European and American lady passengers are allowed to embark at Calcutta for Rangoon without any medical examination and without being passed by the Calcutta Port Health Officer or his Assistants?

(b) Is it a fact that first and second class Asiatic lady passengers are not allowed to embark at Calcutta for Rangoon without medical examination or without being passed by the Calcutta Port Health Officer or his Assistants?

(c) What is the object of the Calcutta Port authorities in observing this racial discrimination?

(d) Are the Government of India prepared to issue necessary orders to stop this practice?

Sir Frank Noyce: The information asked for by the Honourable Member is being obtained and will be furnished to the House in due course.

DISTINCTION BETWEEN LIGHT AND HEAVY "LATHI" CHARGES.

1041. ***Sirdar Sohan Singh** (on behalf of Mr. Jehangir K. Munshi): (a) Will Government be pleased to explain the distinction between a "light lathi" charge and a "heavy lathi" charge?

(b) Have the Government of India prescribed, by any official circular or instructions issued to any of the local Governments, what kind of "lathies" are to be used by the Police in charging or dispersing crowds?

The Honourable Sir James Crerar: (a) The answer would depend on the context in which these phrases were used. The reference might be to the measures of force it was necessary to use, or to the kind of lathis used.

(b) No. This is a matter entirely within the competence of the Local Governments.

Mr. Gaya Prasad Singh: Will the Honourable Member give a physical demonstration on the floor of this House as to what a light lathi charge is as distinguished from a heavy lathi charge? (Laughter.)

Dr. Ziauddin Ahmad: Not on the Members of the Assembly.

SUBJECTION OF WOMEN TO LATHI CHARGES.

1042. ***Sirdar Sohan Singh** (on behalf of Mr. Jehangir K. Munshi): (a) Are the Government of India in a position to cite the case of any civilised Government which has subjected women to "lathi charges"?

(b) Are the Government of India aware of the intensity of public opinion and feeling on this question?

(c) Are the Government of India prepared to reconsider and revise the present policy and practice of subjecting women to "lathi charges"?

The Honourable Sir James Crerar: (a), (b) and (c). I must protest strongly against the suggestion contained in the Honourable Member's question that it is either the policy or the practice of the Government of India or of Local Governments to subject women to lathi charges which is entirely without foundation.

In the dispersal of unlawful assemblies, care is taken, where this is possible, to separate women if they are present, before the dispersal is made and it is always a matter for regret when women are injured as the result of a dispersal.

I would suggest to the Honourable Member that he would better serve his purpose if he used his influence against the participation of women in unlawful assemblies, instead of making charges by innuendo which are totally unfounded.

NUMBER OF WOMEN ARRESTED AND IMPRISONED FOR POLITICAL OFFENCES.

1043. *Sirdar Sohan Singh (on behalf of Mr. Jehangir K. Munshi): Will Government be pleased to state how many women have been (a) arrested, and (b) imprisoned throughout India during the past three months either in connection with the civil disobedience movement or for alleged offences under any of the Ordinances?

The Honourable Sir James Crerar: I have no information in regard to arrests. The information at my disposal shows that 1,481 women were convicted in connection with the civil disobedience movement up to the end of February 1932.

EXPENDITURE FROM CENTRAL REVENUES ON PROVINCIAL SUBJECTS.

1044. *Mr. B. Das: With reference to the following observations of the Indian Statutory Commission (para. 189, page 155, Simon Report, Vol. II):

"The view is authoritatively held in India on the construction of the present Devolution Rules, that it is not permissible to incur expenditure from central revenues on provincial subjects or to make assignments from central to provincial revenues for expenditure on a provincial subject."

Will Government be pleased to lay on the table a statement of their views which they supplied to the Statutory Commission?

The Honourable Sir George Schuster: The attention of the Honourable Member is invited to paragraph 86 of the memorandum on Financial Relations between the Government of India and the Provincial Governments—Parts C to J—submitted to the Indian Statutory Commission, a copy of which will be found in the Library of the House.

EXPENDITURE FROM CENTRAL REVENUES ON PROVINCIAL SUBJECTS.

1045. *Mr. B. Das: With reference to the conclusions of sub-paragraph of paragraph 189, page 155, Simon Report, Vol. II stating as follows:

"But we are strongly of opinion that so rigid a division between expenditure on central and provincial subjects should be modified. We recommend that it should be rendered constitutionally possible under suitable restrictions to assist provincial objects from central funds and vice versa."

(a) What action have Government taken so far on the abovementioned recommendation and what steps they are taking to amend the constitution to make such financial assistance possible?

(b) Will Government be pleased to state the drafts in the Devolution Rules they contemplate?

The Honourable Sir George Schuster: Pending the future constitutional changes the Government of India do not propose to take any action on the recommendation of the Indian Statutory Commission.

Mr. B. Das: May I enquire if the Federal Finance Committee had gone into this aspect of the question, and if the Government of India laid their views on this matter before the Committee?

The Honourable Sir George Schuster: In answer to the first part of the question, I have no means of ascertaining whether the Federal Finance

Committee are going to deal with that question. As regards the second part, the Government of India, so far as I know, have not been asked by that Committee to give any expression of their views about that question.

Mr. N. M. Joshi: What measures do Government propose to take to get this rule changed?

Mr. Arthur Moore: Is it not a fact that the report of the Federal Finance Committee has been signed?

The Honourable Sir George Schuster: In a newspaper for which my Honourable friend is himself responsible, I have had a statement that the report has been signed.

Sir Cowasji Jehangir: Does the Honourable Member's answer imply that the Government of India gave no evidence before the Federal Finance Committee?

The Honourable Sir George Schuster: No, Sir.

Sir Cowasji Jehangir: Does the Honourable Member imply that on this particular subject the Government of India gave no assistance to the Committee?

The Honourable Sir George Schuster: If my Honourable friend will read the question he will find that it refers to certain specific recommendations made by the Indian Statutory Commission. My answer to my Honourable friend's supplementary question was that, so far as I was aware, no representative of the Government of India had been asked by the Federal Finance Committee to express any opinion on this particular recommendation of the Statutory Commission.

SUBVENTION GRANTED TO THE NORTH-WEST FRONTIER PROVINCE.

1046. *Mr. B. Das: (a) Will Government be pleased to state if it is not a fact that they have granted the subvention of one crore of rupees to the North-West Frontier Province for three years?

(b) Do Government contemplate to provide in the Government of India Act, 1921, by amending Devolution Rules for this subvention?

(c) Do Government contemplate to amend the Devolution Rules to apply only to the North-West Frontier Province or will the amendment be general and include all new provinces?

The Honourable Sir George Schuster: (a) I would refer the Honourable Member to the statement which I made in my Budget speech on March 7th.

(b) The Devolution Rules are, with the approval of the Secretary of State in Council, being amended for this purpose.

(c) An amendment to the existing Devolution Rules to validate the payment to the North-West Frontier Province only is all that is now contemplated.

DEFICIT SHOWN BY THE SIND COMMITTEE.

1047. *Mr. B. Das: Is it not a fact that the Sind Committee has shewn a deficit of more than one crore of rupees?

The Honourable Sir George Schuster: Yes.

GRANT OF FINANCIAL AID TO PROVINCES.

1048. *Mr. B. Das: (a) Will Government be pleased to state if they have given any financial aid to any provinces since the new reforms besides the relief given by remission of provincial contributions?

(b) Did any of the provinces at any time ask for any special financial aid from Central revenues since 1921 and what are the reasons advanced to refuse such financial assistance?

(c) Will Government be pleased to lay on the table all correspondence between Provincial Governments and the Central Government on the subject of financial grants asked in the past since 1921 and also all papers asking for a revision of financial relations?

The Honourable Sir George Schuster: (a) In certain cases the position of Provincial Governments has been improved, for example, by the amendment of Devolution Rule 15.

(b) Certain provinces have from time to time complained against the financial arrangements known as the Meston Settlement and incorporated *inter alia* in the Devolution Rules. The Government of India have in general refused to reopen the question of the Meston Settlement, partly in view of the constitutional review provided for in the Government of India Act and at present being undertaken.

(c) The Government think that no useful purpose would be served by collecting all such correspondence at this stage. All Provincial Governments have had an opportunity of making representations as to their financial position on the occasion of the investigation by the Simon Commission and recently again in the memoranda submitted to the Federal Finance Sub-Committee of the Round Table Conference.

Mr. B. Das: May I enquire if the Government of India have knowledge of the demand of the various Provincial Governments that the present financial distribution is inadequate for the provinces and that it should be readjusted?

The Honourable Sir George Schuster: I have already answered that in my answer to part (b) of my Honourable friend's question.

Mr. B. Das: May I enquire what is the intention of the Government of India, whether they are willing to concede the insistent demand of the provinces to give them more financial assistance?

The Honourable Sir George Schuster: I am afraid I cannot answer that question at present. My Honourable friend knows if he remembers my Budget speech, that I gave that as one of the questions which the Government of India will have to consider during this year. My Honourable friend is also aware that in the present financial and constitutional position, it will be extremely difficult to take any action on those lines.

ALLOCATION OF SEATS IN THE LEGISLATIVE ASSEMBLY AND COUNCIL OF STATE TO THE NORTH-WEST FRONTIER PROVINCE.

1049. *Mr. B. Das: (a) With reference to my starred questions Nos. 205 and 206 answered on the 10th February, 1932, will Government be pleased to state if they have reached conclusions on the report of the Chief Commissioner of the North-West Frontier Province regarding the number of seats to be allocated to the North-West Frontier Province in the Assembly and Council of State?

(b) If so, what are the numbers allotted and on what principles have these been allotted?

(c) Will Government be pleased to reply categorically to the points raised in my questions Nos. 205 and 206?

The Honourable Sir George Rainy: (a) No, Sir.

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

Mr. B. Das: Do I understand that the Government of India wish to take a decision in this matter after the Legislative Assembly adjourns so that no short notice question may be asked on the floor of the House?

The Honourable Sir George Rainy: I am quite sure that that motive is not present in the mind of the Government of India.

Mr. Gaya Prasad Singh: But the result would be the same.

Mr. B. Das: Do I need to draw the attention of the Honourable the Leader of the House to the fact that the statement in the Press was in contravention of the practice in the different provinces, and whatever might be the recommendations of the Chief Commissioner of the North West Frontier Province, the Government of India ought to take the House into their confidence? Will the Government of India bring forward a motion when they are going to alter the present electoral rules in order to take the view of the House whether four Members should sit in this Assembly representing the North-West Frontier Province?

The Honourable Sir George Rainy: I can give no undertaking to that effect.

Dr. Ziauddin Ahmad: Will the Government please follow the practice of Berar and have the election first, and afterwards get the elected candidates nominated by the Government till such time that the rules are amended?

The Honourable Sir George Rainy: I do not know why the Government of India should follow the example of Berar, considering that the North-West Frontier Province is part of British India and Berar is not.

Mr. Gaya Prasad Singh: Do Government propose to consult this House with regard to the numerical strength of Members from the North-West Frontier Province in this House?

The Honourable Sir George Rainy: I cannot promise that it will be possible to do so before the conclusion of this session.

CANDIDATES GRANTED SCHOLARSHIPS FOR TRAINING IN MARINE ENGINEERING.

1050. *Mr. B. Das: Will Government be pleased to state the names of the candidates to whom scholarships for receiving training in Marine Engineering in England were granted during the years 1930 and 1931, and also to give an account of the progress made by them?

The Honourable Sir George Rainy: Marine Engineering State scholarships were awarded to Messrs. Braham Swarup Sud, D. A. Moghe and Qamarud Din Ahmad in 1930 and to Messrs. Balkrishna Gupta, Mohd. Ibrahim Kidwai and W. K. Katre in 1931. The only report so far received is in respect of the batch of scholars sent in 1930, and this report states that the work and progress of the scholars have been satisfactory.

SCHOLARSHIPS GRANTED FOR THE TRAINING OF INDIANS IN MARINE ENGINEERING.

1051. *Mr. B. Das: (a) Will Government be pleased to state whether they are awarding three scholarships tenable in England for the training of Indians in Marine Engineering for the year 1932?

(b) If the answer to part (a) be in the negative, will Government be pleased to state the reasons thereof?

The Honourable Sir George Rainy: (a) and (b). Owing to the need for economy in Central expenditure it has been decided not to award any scholarships this year.

TRAINING OF MARINE ENGINEERS.

1052. *Mr. B. Das: (a) Will Government be pleased to state whether any letter was addressed by them to the Government of Bombay in April, 1930, on the subject of training of Marine Engineers in India and whether any Committee was appointed as a consequence thereof?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether any report of that Committee has been received by them?

(c) If the answer to part (b) be in the negative, will Government be pleased to state when they expect to receive the report of that Committee?

The Honourable Sir George Rainy: (a) Yes, a letter was addressed to the Government of Bombay on the subject in April 1930. The Local Government referred the matter to the Board of Trustees of the Victoria Jubilee Technical Institute, Bombay, who appointed a Committee to prepare a scheme.

(b) and (c). For certain reasons, the Committee has not been able to proceed with the preparation of a report. The question of the training of Marine Engineers in India has, however, been further examined by the Government of India, and a provisional scheme has been formulated by the Local Government in the light of the suggestions made by the Government of India. It is therefore not now necessary for the Committee to submit a report.

TRAINING OF INDIANS IN MARINE ENGINEERING.

1053. *Mr. B. Das: (a) Will Government be pleased to state whether they have under contemplation any scheme for providing facilities for giving training to Indians in Marine Engineering in this country?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state if they will consult the Indian commercial and shipping opinion on this subject?

(c) Will Government be pleased to state when they expect to formulate that scheme and start training Indians as Marine Engineers in this country just as they have started the Training Ship for giving training to Indians as deck officers?

The Honourable Sir George Rainy: (a) Yes.

(b) The technical aspect of the scheme is still under examination. The desirability of consulting shipping and other commercial interests will be considered when the scheme has taken practical shape.

(c) Government are not at present in a position to say when the scheme is likely to be brought into operation.

Mr. B. Das: May I inquire if the scheme is awaiting the new constitution to be formulated?

The Honourable Sir George Rainy: No, Sir. It is financial considerations very largely which have held up the whole thing.

Dr. Ziauddin Ahmad: Did the Retrenchment Committee suggest retrenchment of these scholarships and expenditure under this head?

The Honourable Sir George Rainy: I should like to have notice of that. It is not within my recollection.

INCREASE IN THE NUMBER OF CADETS ADMITTED TO THE TRAINING SHIP "DUFFERIN".

1054. *Mr. B. Das: Will Government be pleased to state:

(a) if they propose to make a cent. per cent. increase in the number of cadets they have been admitting every year to the I. M. M. T. S. "Dufferin".

(b) if the answer to part (a) be in the affirmative, the reasons which lead them to make such an increase?

The Honourable Sir George Rainy: (a) No.

(b) Does not arise.

Dr. Ziauddin Ahmad: Is it not a fact that without incurring any additional cost it is possible to double the number in this particular school?

The Honourable Sir George Rainy: I am afraid I cannot answer that question offhand. It sounds to me very improbable.

Dr. Ziauddin Ahmad: I put a question some time ago and sent a note on this very question.

The Honourable Sir George Rainy: Then the Honourable Member must know the answer.

Dr. Ziauddin Ahmad: I did not put a question in the Assembly but sent a private note.

The Honourable Sir George Rainy: I do not recollect the Honourable Member asking me.

EMPLOYMENT OF CADETS TRAINED ON THE "DUFFERIN".

1055. ***Mr. B. Das:** Will Government be pleased to state:

- (a) if the Governing Body of the Training Ship "Dufferin" have considered the prospects of employment as officers of those cadets coming out of the Training Ship "Dufferin" who may obtain their Certificates of Competency;
- (b) if the answer to part (a) be in the affirmative, whether it is a fact that the Governing Body came to the conclusion that the prospects of employment as officers for the present number of cadets taken by the Training Ship were uncertain after they obtained their certificates of competency?

The Honourable Sir George Rainy: (a) and (b). The question has been engaging the attention of the Governing Body for some time and is still under their consideration.

DEVELOPMENT OF THE INDIAN MERCANTILE MARINE.

1056. ***Mr. B. Das:** Will Government be pleased to state:

- (a) whether it is not a fact that, after the failure of the Shipping Conference in 1930, they issued a communiqué on the 6th January, 1930, informing the public that the responsibility will rest with the Government of India as to what future action should be taken for the Development of the Indian Mercantile Marine; and
- (b) if the answer to part (a) be in the affirmative, what action has been taken by them or what action do they propose to take for the development of Indian shipping?

The Honourable Sir George Rainy: With your permission, Sir, I will answer questions Nos. 1056 and 1057 together.

The attention of the Honourable Member is invited to the reply given by me to a somewhat similar question asked by Mr. S. C. Shahani on the 29th January, 1931. The Government of India have nothing to add to that statement except that the consideration of methods involving the grant of direct financial assistance to the industry must for the present be postponed.

DEVELOPMENT OF INDIAN SHIPPING.

†1057. ***Mr. B. Das:** (a) Are Government aware that the Honourable Sir George Rainy stated in the Legislative Assembly in September, 1929, that in case the Shipping Conference failed, the Government of India would explore other avenues for the Development of Indian shipping?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state what other avenues have been explored by them or what other avenues they propose to explore for the development of Indian shipping?

NON-ADMISSION OF INDIANS TO THE PRINCE OF WALES SEAMEN'S INSTITUTE, BOMBAY.

1058. ***Mr. B. Das:** Will Government be pleased to state:

- (a) whether the building of the Prince of Wales Seamen's Institute was raised out of public subscriptions and whether the Indian public subscribed a large sum towards that building fund.
- (b) whether it is not a fact that out of Rs. 5,69,373 received by public subscriptions for the building of that Institute during the years 1917, 1918 and 1919, Rs. 2,30,000 were subscribed by the Western India Turf Club and about Rs. 1,50,000 by Indians,
- (c) whether it is not a fact that the money subscribed by the Western India Turf Club is derived both from Indian and non-Indian sources,
- (d) whether it is not a fact that the Indian Officers and Seamen (Iascars) are not admitted in the Prince of Wales Seamen's Institute, and
- (e) if the answer to part (d) be in the affirmative, why a public institute like the Prince of Wales Seamen's Institute discriminates against Indians and refuses them admission?

The Honourable Sir George Rainy: Government are not in possession of complete information. Inquiries have been made from the Government of Bombay and a reply will be laid on the table of the House in due course.

NON-ADMISSION OF INDIANS TO THE PRINCE OF WALES SEAMEN'S INSTITUTE, BOMBAY.

1059. ***Mr. B. Das:** (a) Has the attention of Government been drawn to the reply given in the Bombay Legislative Council on the 14th March, 1928, to the question put by Mr. Lalji Naranji (page 1385, of Vol. 22 of the Bombay Legislative Council Debates) that "the Institute (Prince of Wales Seamen's Institute) though undenominational in character does not cater specially for the needs of Indian seamen" and also to the following remarks made by the Bishop of Bombay at the Extraordinary General Meeting of the Members of the Prince of Wales Seamen's Institute held in November, 1928:

"The Bombay Sailors' Home was an undenominational society and our Society is a denominational society how could these be amalgamated"?

†For answer to this question, see answer to question No. 1056.

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether it has still been held that the Prince of Wales Seamen's Institute is an undenominational Institute?

The Honourable Sir George Rainy: (a) Government have seen the reply to Mr. Lalji Naranji's question in the Bombay Legislative Council referred to but have no information regarding the alleged remarks by the Bishop of Bombay relative to the Prince of Wales Seamen's Institute.

(b) Full information regarding this Institute has been called for and a reply will be laid on the table of the House in due course.

SUNDAY PENALTY FEES COLLECTED AND METHOD OF THEIR DISTRIBUTION.

1060. ***Mr. B. Das:** Will Government be pleased to state:

(a) the amount collected by way of Sunday Penalty Fees at the different ports in India during the last five years;

(b) the amount contributed by them out of this Sunday Penalty Fees for the following charitable purposes during the last five years?

(1) for the benefit of the superior grade of Customs Officers.

(2) for the benefit of the subordinate grade of Customs Officers.

(3) for the benefit of European seamen.

(4) for the benefit of Indian seamen.

(5) contributions made towards the building fund of the Institutes which do not admit Indian seamen.

(6) contributions made towards Institutes which admit both European and Indian seamen, and

(7) contributions made towards building funds of Institutes started specifically for Indian seamen.

The Honourable Sir George Schuster: (a) The receipts from Sunday fees for the last five years (i.e., actuals for 1927-28 to 1930-31 and revised estimates for 1931-32) amounted to a total of Rs. 20,70,146.

(b) (1) Nil.

(2) The contributions for the benefit of subordinate grades—Preventive officers, clerks and others—amounted to a total of Rs. 2,04,342.

(3) Rs. 2,12,119 apart from grants covered by (5) or (6).

(4) Nil, apart from grants covered by (7).

(5) or (6). Rs. 1,60,200. This sum represents the grant made to the Mayo Marine Institute, Rangoon, which admits Indian officers but not Indian seamen.

(7) Rs. 1,13,000.

Mr. Gaya Prasad Singh: Is it not a fact that the receipts from the Sunday fees have been given mostly to welfare institutions of non-Indian seamen rather than to those of Indian seamen?

The Honourable Sir George Schuster: I feel sure that my Honourable friend from his knowledge as member of the Standing Finance Committee has very full information on that subject. He will be able to calculate

from the replies which I have given what is the position for the years specified in the question which I have just answered. It will also be within his recollection that, according to the statement prepared for the Standing Finance Committee, the distribution in the last year has been altered considerably in the direction of giving grants to institutions aimed at the benefit of Indian seamen.

Mr. B. Das: May I inquire why no contribution had been made for the benefit of Indian seamen? Was it due to the fact that there were no Indian Seamen's Trade Unions asking for it?

The Honourable Sir George Schuster: I think it has been mainly due to the fact that, until last year, there was no specific institute in existence which aimed at giving these benefits to Indian seamen to which contribution could be made.

Mr. B. Das: May I inquire if Mr. Kabeeruddin Ahmad, who was the representative of seamen on the Indian Labour Commission, raised this particular issue before the Labour Commission?

(No answer was given.)

PRINCIPLES FOR GRANTS OUT OF THE SUNDAY PENALTY FEES FUND.

1061. ***Mr. B. Das:** Will Government be pleased to state:

(a) the principles under which grants are made out of the Sunday Penalty Fees Fund to various charitable Institutions in the country; and

(b) whether they propose to make any changes in the present procedure under which such grants are allocated and, if so, will Government be pleased to state the new changes which they propose to introduce in this connection?

The Honourable Sir George Schuster: The subject is too complicated to enable me to give a satisfactory answer within the limits suitable for a reply. The Honourable Member will find the situation fully explained in the proceedings of the Standing Finance Committee to which I give the following references:

Paragraph 7 of the proceedings dated 16th January, 1930.

Paragraph 7 of the proceedings dated 16th June, 1930.

Paragraph 25 of the proceedings dated 19th June, 1930.

Paragraph 26 of the proceedings dated 23rd January, 1932.

CONTRIBUTIONS TO SAILORS' HOMES IN BOMBAY AND DISCRIMINATION AGAINST INDIANS.

1062. ***Mr. B. Das:** (a) Will Government be pleased to state whether the Government of Bombay paid the sum of Rs. 4,44,375 to the authorities of the Bombay Sailors' Home, for the acquisition of their buildings some where in the year 1928 or 1929?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state whether the entire portion of Rs. 4,44,375 went to the

Prince of Wales Seamen's Institute under the new amalgamation scheme of that Institute with the Bombay Sailors' Home?

(c) Is it a fact that the original cost of the building of the Royal Alfred Sailors' Home, Bombay, was Rs. 3,66,000, of which a sum of Rs. 2,00,000 was contributed by His Highness the Gaekwar of Baroda and Rs. 1,66,000 by the Government of Bombay?

(d) Is it a fact that the object of the Bombay Sailors' Home Society was primarily to provide a comfortable home for seamen frequenting or visiting the port of Bombay without any discrimination between European and Indian seamen?

(e) If the answer to parts (b), (c) and (d) be in the affirmative, will Government be pleased to state whether the object for which the Royal Alfred Home was started is achieved by handing over the entire sum of Rs. 4,44,375 to the Prince of Wales Seamen's Institute which discriminates against Indian seamen and Indian officers by refusing them admission into their Institute?

The Honourable Sir George Rainy: (a) Yes.

(b) The whole of the amount went to the Bombay Seamen's Society (now known as the Royal Bombay Seamen's Society), which was formed by the amalgamation of the Bombay Sailors' Home Society with the Prince of Wales Seamen's Institute and Bombay Harbour Mission.

(c) Yes, except that the Bombay Government's contribution amounted to Rs. 1,40,000 only. The balance of Rs. 26,000 was presumably derived from other sources.

(d) The Home was open to seamen of all classes, but it does not appear to have been used to an appreciable extent at any time by Indian seamen.

(e) The Royal Bombay Seamen's Society are under no legal obligation to pay any portion of the sale proceeds of the Royal Alfred Home to any other institute. The Society, however, gave a voluntary donation of Rs. 1 lakh towards the construction of a Home which has recently been opened at Bombay for the use of Indian seamen.

SHORT NOTICE QUESTION AND ANSWER.

REDUCTION OF TRAVELLING AND OTHER ALLOWANCES OF MEMBERS OF THE LEGISLATURE.

Mr. J. Ramsay Scott: (a) Have Government under consideration any proposals for reduction in the present scales of travelling and other allowances of Members of the Legislature?

(b) If so, will Government be pleased to state whether the House Committee will be given an opportunity to consider the proposals before a decision is arrived at?

The Honourable Sir George Schuster: (a) Yes. The present allowance admissible to Honourable Members for journeys by rail is $1\frac{3}{5}$ ths of a First Class fare. This allowance was fixed on a parity with that admissible for Government servants of the first grade. In the case of Government servants the allowance has been reduced to $1\frac{1}{2}$ fares with effect from

the 1st October, 1931, and Government feel it right that similar reduction should now be made in the case of Honourable Members also. Government have also considered the recommendation of the General Purposes Committee on page 60 of their Second Report to the effect that the rule permitting the drawing by Honourable Members of the cost of haulage of their motor cars irrespective of the amount, needs revision, and that a limit of Rs. 500 in all for both journeys, outward and return, should be imposed. In the opinion of Government such a provision would not work equitably in that it would penalise Members coming from long distances. They consider that the present rule should be retained, but that economy during the present financial crisis could be secured by the abolition of the allowance for petrol or forage of Rs. 75 per month at present admissible to Members who reside outside Delhi and elect for free haulage of their conveyances.

(b) Government had considered laying proposals on this basis before the House Committee, but on further examination they were convinced that consultation in a matter of this kind lay outside the scope of that Committee's functions. The more appropriate procedure would be to place the proposals before the House by means of a Resolution. Unfortunately it does not appear likely that time will be available to move such a Resolution this session. Government propose, therefore, to move a Resolution at the earliest possible occasion in the next summer session and to suggest that the reduction of railway allowance should, if accepted, take effect in respect of the journey to Simla.

Lieut.-Colonel Sir Henry Gidney: In view of the Honourable Member's reply, in which he attempted to draw a parallel between Government servants and Members of this House, will he please inform the House whether or not it is a fact that Government servants, in addition to their railway travelling allowances, are in receipt of a handsome salary which Members of the Assembly are not?

The Honourable Sir George Schuster: I hardly think my Honourable friend's question requires an answer. I would remind him that officials of the Government are also under considerable obligations for working every day of the year which do not apply to Honourable Members of this House.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform the House whether those additional remarks do not apply with greater force to Members of this House who also have to work every day of the year?

UNSTARRED QUESTIONS AND ANSWERS.

APPOINTMENT OF TELEGRAPH PEONS AS POSTMEN.

266. **Mr. S. C. Mitra:** (a) Is it a fact that in order to give the peons in the Telegraph Branch some opportunity to earn pension and leave allowances at superior rates, orders were issued to permit their entry into postmen's grade by competitive examination? If so, from what date were the orders given effect to?

(b) Is it a fact that many telegraph peons went through this competitive examination and were appointed as postmen?

(c) Is it a fact that they had to furnish security bonds for these new appointments as are required from permanent postmen?

(d) Will Government be pleased to state the number of telegraph peons so appointed as postmen?

(e) Is it a fact that some of the telegraph peons so recruited to the postmen's grade have since been reverted?

(f) If the reply to part (d) be in the affirmative, will Government be pleased to state the number and names of the men so reverted and the reasons in each case for the action taken?

(g) Do Government propose to re-examine these cases and see that these men get back their appointments as postmen, if they are found to have been qualified for their appointments under the rules then in force? If not, why not?

Mr. T. Ryan: (a) No.

(b) to (g). Do not arise.

SYSTEM OF SUPPLYING UNIFORMS TO TELEGRAPH AND POSTAL PEONS.

267. **Mr. S. C. Mitra:** (a) Has the attention of Government been drawn to the article published at page 315 of the *Telegraph Review* of September, 1931, under the caption of "Inferior staff to go without uniform"?

(b) Have Government made any enquiry in the matter? If so, to what effect?

(c) Will Government be pleased to state what is the present system of supplying uniforms to (i) the inferior staff in the Telegraphs and (ii) peons in the Postal Department?

(d) Will Government be pleased to quote the authority under which the peons were ordered to produce their old tattered dresses for inspection of the Chief Superintendent, Central Telegraph Office, Calcutta, as complained in the article?

(e) Will Government be pleased to state whether any order was issued beforehand to the peons requiring them to preserve torn and tattered uniforms for production for inspection when so ordered? If so, when and by whom?

(f) Is it a fact that some of the peons made written statements to the effect that their old uniforms were totally torn and thrown out or the like and hence could not be produced for inspection?

(g) Is it a fact that in spite of these statements fines for non-production of uniforms were still imposed on these peons by the Chief Superintendent, Calcutta?

(h) Will Government be pleased to state the number of such peons who were thus fined?

(i) Do Government propose to refund these fines to the parties concerned? If not, why not?

Mr. T. Ryan: (a) Yes.

(b) No enquiry was made on the matter.

(c) The scheme for the supply of uniforms and warm clothing to the Posts and Telegraphs outdoor staff and inferior servants is described in the following statement:

Class I Offices—(Head Offices, Central Telegraph Offices, offices situated in stations where there are Head Offices and other important offices).

"A" Stations—Where the climate is usually warm to hot and there is no appreciable cold in the winter months.

Two complete sets of drill uniforms every year, putties at the discretion of Heads of Circles. Where putties are to be supplied only one pair between two sets of uniforms every year.

"B" Stations—Where the climate is cold for certain months of the year but not very cold.

Two complete sets of drill uniforms every year, one woollen jersey once in two years, putties as of "A" stations.

"C" Stations—Where the winter is severe and prolonged. The general criteria for classifying offices into class "C" should be a latitude of 28° North and/or an altitude of 4000 ft. If these criteria do not meet the special requirements of any place the Head of a Circle may suggest the inclusion of any particular station in class "C" and obtain the orders of the Director-General on the subject.

One complete set of serge uniform every alternate year, one complete set of drill uniform every year, one pair of putties every year.

Class II Offices—(Offices not included in Class I. Branch Offices excluded).

"A" Stations—Where the climate is usually warm to hot and there is no appreciable cold in winter months.

One complete set of drill uniform a year, putties as at "A" stations in class I Offices.

"B" Stations—Where the climate is cold for certain months of the year but not very cold.

One complete set of drill uniform every year, one woollen jersey once in three years and putties as at "A" stations in class I Offices.

"C" Stations—Where the winter is severe and prolonged. The general criteria for classifying offices into class "C" should be a latitude of 28° North and/or an altitude of 4000 ft. If these criteria do not meet the special requirements of any place the Head of a Circle may suggest the inclusion of any particular station in class "C" and obtain the orders of the Director-General on the subject.

One complete set of serge uniform and one complete set of drill uniform once in two years, one pair of putties between the two sets of uniforms.

2. (a) Uniforms should not be supplied to officials of branch offices.

(b) Village postmen at "C" class stations only should be supplied with uniforms admissible to postmen attached to such stations.

(c) Packers and other inferior servants, except in certain selected offices to be approved by the Director-General should be supplied only with blouse (alternatively jersey where justified) and pugree.

(d) Lungyi and Gaungbaung can be substituted for shorts (trousers) and Pugree in Burma.

(d) Orders were issued in May 1931 requiring all Heads of offices, Postal Traffic and Engineering, to inspect periodically the uniforms supplied to their subordinates as laid down in rule 736 of the *Posts and Telegraphs Manual*, Volume II.

(e) No special order was issued to the peons requiring them to preserve torn and tattered uniforms for production for inspection when so ordered, as the rule referred to above prescribes that it is the duty of Inspecting Officers to see that uniforms and warm clothing, where supplied, are kept clean and in good condition and that at kit inspections each man will be required to produce all the articles of clothing supplied to him.

(f) } Government have no information.
(g) }
(h) }

(i) Does not arise in view of the reply to parts (f), (g) and (h). Copy of the question and of the reply to parts (e) to (i) will however be sent to the Postmaster-General for any further attention desirable.

SYSTEM OF SUPPLYING UNIFORMS TO TELEGRAPH AND POSTAL PEONS.

268. **Mr. S. C. Mitra:** (a) Is it a fact that complaints were made by Posts and Telegraph peons expressing their inability to wear tattered dresses while discharging their duties in the office?

(b) Will Government be pleased to state the steps they have taken or propose to take to remove such complaints?

(c) Is it a fact that peons have been taken to task and even fined in Calcutta and other places for not putting on their uniforms, even when the peons stated that they were very badly torn and hence could not possibly be worn?

(d) Do Government propose to refund the fines thus imposed? If not, why not?

(e) Do Government propose to allow sufficient uniforms to the peons or, in the alternative, allow them to wear their own dresses when their uniforms are torn and new ones are not supplied? If not, why not?

(f) Is it a fact that Government have issued revised rules for supply of uniforms to the peons in the Posts and Telegraphs Department? If so what are they?

Mr. T. Ryan: (a) Government have no information.

(b) Government have made some provision for the supply of uniforms to the outdoor staff and inferior servants of the Posts and Telegraphs Department on a limited scale.

(c) Government have no information.

(d) Does not arise.

(e) A reference is invited to the reply to part (b) of the question. Such outdoor and inferior staff of the Indian Posts and Telegraphs Department as are not provided with uniforms at Government expense will naturally wear their own clothing.

(f) Yes. The revised rules have been quoted in reply to part (c) of the Honourable Member's question No. 267.

GRANT OF CONVEYANCE ALLOWANCE TO INSPECTORS OF TELEGRAPH PEONS.

269. **Mr. S. C. Mitra:** (a) Will Government be pleased to state how many Inspectors of Peons and Inspectors of Post Offices are employed in Telegraph and Postal Branches respectively?

(b) Is it a fact that the Inspectors of both these groups are required to perform indoor as well as outdoor work?

(c) Is it a fact that the Inspectors of Post Offices in towns are in receipt of Conveyance Allowances?

(d) If the reply to part (c) be in the affirmative, will Government be pleased to state if they propose to grant similar allowance to Inspectors of Peons in Telegraph Branch? If not, why not?

Mr. T. Ryan: (a) There are 9 Inspectors of peons attached to the larger departmental telegraph offices. The number of Inspectors of Post Offices in charge of Postal Sub-Divisions and of Town Inspectors of Post Offices attached to First Class Head Post Offices is 418.

(b) and (c). Yes.

(d) The duties of Postal Town Inspectors differ widely from those performed by Inspectors of Peons in telegraph offices, and Government do not admit the necessity of the grant to the latter of a conveyance allowance similar to that drawn by the former. In certain offices, Inspectors of Peons are supplied with bicycles by the Department for the discharge of the duties required of them.

REVISED SCHEMES FOR PENSION ON THE POSTS AND TELEGRAPHS DEPARTMENT.

270. **Mr. S. C. Mitra:** (a) Is it a fact that Government issued a circular to all the recognised organisations of the staff in the Posts and Telegraphs Department to obtain their opinion on certain proposed revised schemes for pension?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state if replies from all such organisations have been received? If so, when?

(c) Will Government be pleased to state if a final decision on the matter has been arrived at? If so, to what effect? If not, why not?

The Honourable Sir George Schuster: (a) If the Honourable Member is referring to a scheme for substituting a contributory fund or other benefits of a corresponding kind for pensionary benefits, the answer is in the affirmative.

(b) Replies were received by July 1930 from some 95 Service Associations, including various Posts and Telegraphs organisations.

(c) I would refer the Honourable Member to the speech made by the Finance Secretary in the debate held in the Council of State on the 3rd March 1932, and reproduced on pages 142, 143 and 144 of the Official Report.

PENSION SCHEME FOR SUBORDINATES ON THE POSTS AND TELEGRAPHS DEPARTMENT.

271. Mr. S. C. Mitra: (a) Is it a fact that a large number of the employees in the Posts and Telegraphs Department in Subordinate Services are not in receipt of any pension?

(b) Will Government be pleased to state if they contemplate to revise the whole pension scheme which will convert the present non-pensionable posts into pensionable ones? If not, why not?

(c) If reply to part (b) be in the affirmative with regard to some of the appointments, will Government be pleased to state (i) which of the groups are likely to be included in the same and also (ii) when the same is likely to take effect?

Mr. T. Ryan: (a) While it is a fact that the service of certain classes of employees, such as cable supervisors, mechanics and artificers, telephone operators appointed on or after the 1st March, 1919, etc., is non-pensionable, the total number of employees serving under these conditions is not large.

(b) and (c). The question of admitting the non-pensionable personnel to the benefits of a Contributory Provident Fund or of making them eligible for pension, is under consideration. Government are not in a position to state when a final decision will be reached.

CUT IN PAY OF LOW PAID MEN IN THE POSTS AND TELEGRAPHS DEPARTMENT.

272. Mr. S. C. Mitra: (a) Will Government be pleased to state the personnel and the lowest pay in the different departments of Government which have been spared from any cut due to retrenchment?

(b) Is it a fact that only in the Posts and Telegraphs and in Railways men drawing Rs. 40 and less have not even been spared from a cut in pay?

(c) Is it a fact that the Telegraph Department, unlike most other departments, is considered as both a public utility and safety service and at the same time a revenue-earning department?

(d) If the replies to the above be in the affirmative, will Government be pleased to state why men getting a pay of less than Rs. 40 have also been retrenched in the Posts and Telegraphs Department?

The Honourable Sir Joseph Bhore: (a) All Government servants under the control of the Government of India drawing Rs. 40 a month or less, except those employed in the Railway and the Posts and Telegraphs Departments, have been exempted from the emergency cut in pay.

(b) Yes.

(c) The Posts and Telegraphs Department is a public utility department which, in accordance with the generally accepted policy of Government, is run on commercial lines.

(d) Reference is invited to the reply given by the Honourable Sir George Rainy on the 23rd March, 1932, to starred question No. 864, asked by Rai Bahadur Sukhraj Rai. It was considered proper to treat the staff of the two great commercial departments alike.

CUT IN PAY OF LOW PAID MEN IN THE POSTS AND TELEGRAPHS DEPARTMENT.

273. Mr. S. C. Mitra: (a) Will Government be pleased to state if they propose to retrench the pay of men below Rs. 40 in other departments?

(b) If the reply be in the negative, do Government propose to mete out similar treatment to men similarly situated in the Posts and Telegraphs Department?

The Honourable Sir Joseph Bhore: (a) and (b). No.

SYSTEM OF PAYMENT FOR TELEGRAPH MESSENGERS.

274. Mr. S. C. Mitra: (a) Is it a fact that press and triple rate messages are sent out singly for delivery to ensure their prompt disposal?

(b) Is it a fact that task work messengers used to get earnings for a complete bhaga (viz., 5 messages for a cycle peon and 3 messages for a foot peon) for delivering these messages singly without waiting for other messages? If so, how long has this system been in force?

(c) Is it a fact that this system has been abolished with effect from the 1st November, 1931, and the delivery messengers are now granted the earnings for one message only per trip for delivery of these press and triple rate messages?

(d) Is it a fact that triple rate messages are paid for at triple rates by the senders in order to ensure their expeditious disposal?

(e) Is it a fact that the Press get concession rates (very much cheaper than the ordinary rates) for sending their messages?

(f) Is it a fact that delivery messengers are still made to deliver these press and triple rate messages singly without permission to await any other telegram though they are paid for only one message per trip?

(g) If so, do Government propose to reconsider the question and revert to the old system? If not, why not?

Mr. T. Ryan: (a) As regards triple rate messages, yes: as regards Press messages, not as a general rule.

(b) The practice described by the Honourable Member existed in the Calcutta Telegraph Office only. Government do not know how long it was in force.

(c) Orders were issued in 1931 abolishing the system in the Calcutta Telegraph Office and bringing the procedure there into line with that followed in other offices.

(d) and (e). Yes.

(f) Reference is invited to the answer to parts (a) and (c).

(g) Government do not see any necessity to alter the rules now in force.

SYSTEM OF PAYMENT FOR TELEGRAPH MESSENGERS.

275. **Mr. S. C. Mitra:** (a) Is it a fact that under Bhaga System which was in force in the Central Telegraph Office, Calcutta, up to the beginning of 1931, it was required to give 5 messages in one lot for a cycle messenger and 3 messages for a foot messenger for every delivery, and that if the full number was not available after waiting for a reasonable time they would be sent out with a lesser number of messages but their earnings would remain the same?

(b) Will Government be pleased to state how long this system has been in vogue in the Telegraph Department?

(c) Is it a fact that various modifications were made to this system from time to time to avoid anomalies or to redress grievances of the delivery staff?

(d) Is it a fact that this system was stopped from the 1st March, 1931, without any notice to the staff? If so, what are the reasons?

(e) If the reply to the latter portion of part (d) be in the negative, will Government be pleased to state, (i) when it was notified to the staff and also (ii) what was the reason, if any, that was given for the same?

(f) If the reply to part (d) above be in the affirmative, will Government be pleased to state why a system that has been in existence for such a long period has all on a sudden been abolished?

(g) Will Government please quote the rule or order under which this system was first introduced?

(h) If there be no rule or order, will Government be pleased to state how it came to be introduced?

(i) Is it a fact that the salary bills of the staff are checked and audited by the audit offices and that it is one of the fundamental duties of the audit office to hold under objection any item of expenditure which is not sanctioned by proper authority?

(j) If the reply to part (i) above be in the affirmative, will Government please state if any objection was ever raised by the Audit Offices against this system? If so, when and how was it disposed of?

(k) Will Government refer to parts (h), (i) and (j) above and state whether they propose to consider the advisability of amending the rules to conform to the age-long procedure? If not, why not?

(l) Is it a fact that the existing task work messengers of the Central Telegraph Office, Calcutta, were appointed as such when the previous system was in force? If so, do Government propose to permit them to continue under that condition till they retire? If not, why not?

(m) Will Government be pleased to state (i) who is responsible for the irregularity, if any; (ii) the amount spent so far in excess owing to this so-called irregular system, and (iii) how it is proposed to make good this loss to Government?

Mr. T. Ryan: (a) Yes.

(b) Government have been unable to ascertain the date from which the practice was introduced.

(c) Yes.

(d) Yes. The system, for the original introduction of which no authoritative orders are traceable, was peculiar to Calcutta, and on review was considered not to be justified by the prevailing conditions.

(e) Does not arise.

(f) The reasons are indicated in the answer to part (d).

(g) Reference is invited to the answer to part (b).

(h) Government have no information.

(i) Yes.

(j) No.

(k) No. Reference is invited to the answer to part (d).

(l) Probably, but Government are not prepared to allow task work messengers of Calcutta to continue to enjoy earnings which have never been conceded to the task work messengers of other telegraph offices and for which they can find no special justification in Calcutta.

(m) (i) and (ii). Government have no information. (iii) It is not practicable to recover any loss that may have been incurred.

RECRUITMENT TO THE SUBORDINATE ENGINEERING BRANCH OF THE TELEGRAPH DEPARTMENT.

276. **Mr. S. C. Mitra:** (a) Will Government be pleased to state the number of men recruited for the Subordinate Engineering Branch of the Telegraph Department during the last year—(i) from the Departmental men and (ii) from outside?

(b) Will Government be pleased to state the number of Departmental men (i) who applied for recruitment in the Engineering Branch, and (ii) who were admitted to the examination?

(c) Will Government be pleased to state the number of Departmental telegraphists who have not been allowed to appear in the examination on account of:

(i) exceeding the age-limit,

(ii) unsatisfactory record of service, and

(iii) any other reasons?

(d) Will Government be pleased to state the number of Departmental candidates who were exempted from the bars referred to in part (c) in consideration of their nationality or community?

(e) Will Government be pleased to state the number of Departmental candidates who were not so exempted though they possessed previous experience in the Engineering Branch including the Telephone Branch for a considerable period?

(f) Will Government be pleased to state if any of the men referred to in part (e) were recommended by the heads of the Circle including the Engineering Officers?

(g) Is it a fact that the Department is heavily overstaffed with Departmental telegraphists and that outside recruitment meant additional expense?

(i) If the reply to part (g) be in the affirmative, will not the appointment of the Departmental candidates referred to in parts (e) and (f) in

vacancies in the Engineering Branch mean reduction of surplus staff and employment of qualified hands at far less cost?

Mr. T. Ryan: (a) The Honourable Member apparently refers to the recruitment of Engineering Supervisors. If so, the number of departmental recruits was thirteen and of others twelve.

(b) and (c). As the selection of candidates for the examination is made by Heads of Circles, Government have no information on the points raised in these two parts of the question.

(d) No candidate was exempted from the tests in consideration of his nationality or community.

(e) and (f). Do not arise in view of the reply to part (d).

(g) It is a fact that there is some surplus staff of telegraphists and that outside recruitment for the posts of Engineering Supervisors does mean some extra expenditure.

(i) The reply to the first part is in the affirmative, and to the latter part, in the negative, as Government do not consider that those departmental candidates who were not exempted from or failed to pass the examination are thoroughly qualified.

TRAINING OF APPRENTICES OF THE RIFLE FACTORY AT ISHAPORE.

277. **Mr. S. C. Mitra:** (a) Have Government invited the opinions of Mr. T. K. Ghosh, and Lt.-Col. B. H. Brown, late Works Manager and Superintendent of the Rifle Factory at Ishapore, in the matter of reducing and abolishing the theoretical and laboratory training to apprentices in that Factory?

(b) If so, what were the opinions of those officers? If not, do Government propose to take their opinions on the subject? If not, why not?

Mr. G. M. Young: (a) No.

(b) Because it was unnecessary to consult officers who no longer held these appointments.

TRAINING OF APPRENTICES OF THE RIFLE FACTORY AT ISHAPORE.

278. **Mr. S. C. Mitra:** Will Government be pleased to state whether the present scheme of technical training in lecture rooms and laboratories for the Rifle Factory Apprentices at Ishapore is "subject to modifications"? If so, does "subject to modifications" mean abolition of the scheme?

Mr. G. M. Young: The scheme itself is subject to modifications: and in addition, the whole subject of apprentice training in Ordnance Factories is under review, with reference to its suitability to the policy of gradual Indianisation of the factories.

TRAINING OF APPRENTICES OF THE RIFLE FACTORY AT ISHAPORE.

279. **Mr. S. C. Mitra:** (a) Are Government aware of the fact that the existing apprentices in the Rifle Factory at Ishapore were all entertained on the clear understanding that they would be trained both in theory and practice in "Mechanical Engineering"?

(b) What justification have Government to train the existing apprentices in the Rifle Factory at Ishapore, now as craftsmen which they and their guardians do not approve of?

(c) Do Government propose to keep the existing scheme in force at least for the existing apprentices in the Rifle Factory at Ishapore? If not, why not?

Mr. G. M. Young: (a) The syllabus issued contained a good deal of theoretical, in addition to practical training: but it was announced as subject to modification.

(b) The modifications were made in the interests of the Factory.

(c) The scheme will remain in force for existing apprentices, but as explained in answer to Starred Question No. 114, on the 3rd February, 1932, the amount of theoretical training has been greatly reduced, as such training is not essential.

DISEASES CAUSED BY MILITARY SERVICE.

280. **Sardar Sant Singh:** With reference to the answer to unstarred question No. 142 on the 9th March, 1932, are Government prepared to override the decisions of those Medical Boards, which have wrongly come to the conclusion that asthma or trachoma are not attributable to military service?

Mr. G. M. Young: Government have no reason to suppose that the finding of the Medical Board in any particular case was wrong.

ARREARS OF PENSION FOR DISABILITY SUBSEQUENTLY DECLARED AS ATTRIBUTABLE TO MILITARY SERVICE.

281. **Sardar Sant Singh:** With reference to the answer given to unstarred question No. 143, will Government please state as to what arrears do the rules allow, in cases in which a later Medical Board has reversed the decision of the first Medical Board, which held the attributability of the disability as not attributable to service?

Mr. G. M. Young: The rules do not specifically provide for the convening of a second Medical Board. Government are at liberty either to dispose of an appeal themselves, with the aid of their medical advisers, or to convene a second Medical Board if they feel justified in doing so on the grounds stated in the appeal. In either event they would be competent to grant a disability pension with such arrears as they might determine according to the merits of the case.

RATES OF MILITARY PENSIONS.

282. **Sardar Sant Singh:** (a) Is it a fact that rates of all sorts of military pensions, including the pensions granted under the special powers of the Government of India, were increased on the termination of the Great War, and the enhanced rates made applicable to all-India ranks who served during the War?

(b) Is it also a fact that the increased rates were, for all practical purposes, disallowed to all such individuals as were pensioned under the special powers of the Government of India as contemplated in para. 587 of the Pay and Allowance Regulations, Part II?

(c) Are Government prepared to consider such cases as were pensioned after 4th August, 1914, and prior to the date with effect from which the new scale of pensions was inserted in Pensionary Regulations?

Mr. G. M. Young: It will take some time to investigate the points raised in the Honourable Member's question. A reply will be laid on the table as soon as practicable.

PENSIONS OF CERTAIN MILITARY MEN INCREASED BY RE-EMPLOYMENT DURING THE GREAT WAR.

283. **Sardar Sant Singh:** (a) With reference to the answer given on 9th March, 1932, to unstarred question No. 146, are Government prepared to send for the cases of the following individuals, whose pensions were increased by virtue of their re-employment during the Great War, under Army Instruction (India) Nos. 171 of 1921, and 1064 of 1923?

- (i) C. M. A. Mhow Pension Circular No. 10 of 16th March, 1928, *re* Subedar Phura Singh.
- (ii) C. M. A. Mhow Pension Circular No. 24, dated 16th October, 1928, *re* Subedar Sher Singh.
- (iii) C. M. A. Mhow Pension Circular No. 30 of 1929 *re* Subedar Major Budha Singh.
- (iv) C. M. P. A. Mhow Pension Circular No. 83 of 1931 *re* Subedar Jagannath.
- (v) C. M. P. A. Mhow Pension Circular No. 80 of 1931 *re* Subedar Genda Singh.
- (vi) C. M. P. A. N. and E. Commands, Lahore, Pension Circular No. 42, dated the 16th January, 1929, *re* Jemadar Dip Chand.

(b) If so, will Government kindly state why the same rule was not applied to the cases of the following individuals:

- (i) Subedar Mam Raj (*vide* Government of India, Army Department, letter No. B.-16187/1-A. G.-14, dated the 4th September, 1931).
- (ii) No. 20, Havildar Sant Singh of 16th Bengal Lancers re-employed in Military Hospital Ambala (O. C. 6 Company I. H. Corps Poona, letter No. B./23/Case/55, dated the 5th October, 1931)?

(c) Under what rules of limitation the aforesaid claims were treated to be within time while others declared time-barred?

Mr. G. M. Young: Inquiries are being made and replies will be laid on the table in due course.

PRACTICE IN REGARD TO GRANT OF DISABILITY AND FAMILY PENSIONS.

284. **Sardar Sant Singh:** (a) Will Government please state as to what practice is in vogue with regard to the grants of disability and family pension claims in cases where (i) a medical board is silent on the point of

attributability and (ii) where they express their inability to give a verdict on the point of attributability because of the loss or destruction of a man's medical history sheet kept by military hospitals in their custody?

(b) Have disability and family pensions been allowed in such cases from the date of casualty?

Mr. G. M. Young: Inquiries are being made and a reply will be laid on the table in due course.

STATUTORY RIGHTS TO DISABILITY AND FAMILY PENSIONS.

285. **Sardar Sant Singh:** Are Government aware that statutory rights for the entitlement of a disability and family pension have been acknowledged under the War Pensions Act of 1919 and 1920? Do not they intend to recognise such rights in the case of Indian personnel? Is it a fact that the cause of action arose beyond overseas, the compensation of which is due from, and chargeable to the Home Government?

Mr. G. M. Young: The right to Great War disability and family pensions in the United Kingdom, provided that the conditions laid down are fulfilled, is conferred by statute in the United Kingdom. The same right is conferred by rule in India. Government do not consider it necessary or practicable to introduce legislation of the kind at this late date.

MILITARY PENSION CLAIMS.

†286. **Sardar Sant Singh:** (a) With reference to the answer given to unstarred question No. 146, part (a), dated 9th March, 1932, will Government please state if para. 1031 of Army Regulations (India), Volume I (1915 edition) does not admit all former combatant service for being counted towards pension or gratuity?

(b) Is it a fact that the following individuals were discharged with promises of pension duly entered on their discharge certificates, Last Pay Certificates, etc.?

- (i) Letter No. 2-119/1/9, dated 22nd June, 1931 of the Officer Incharge 10th Bn., 4/9th Regiment, *re* Havildar Baz Khan, No. 1131.
- (ii) Letter No. 860/20/A.G., dated 16th November 1928 of the O./C. 'A' Coy., 1/4th Bombay Grenads., *re* Ex-Sepoy Palto Khan, No. 3493.
- (iii) Letter No. 2/109/5/384, dated 1st May, 1929 of the Officer Incharge, Records, 2/109th Infantry, *re* L/Nk Bodan Khan, No. 1684.
- (iv) Letter No. B.-14073/3/A.G.-14, of the Army Headquarters, India, Adjutant General's Branch, dated 20th June, 1931, *re* Ex-Sepoy Mann, No. 376.

(c) Referring to the answer given on 9th March, 1932, to the question quoted above, is it a fact that para. 1077 of Army Regulations (India), 1915 edition, lays down that an adversely affected person by new rules can claim to receive pension when the deceased joined the service; that note 4 appended to para. 591 of the Pay and Allowance Regulations, Part II, lays down that consent to the changed rules is necessary, and that

†For answer to this question, see answer to question No. 283.

there is a ruling of the Military Accountant General given in his letter No. 2610-At./B., dated 20th January, 1932? Are Government prepared to review the cases of these claimants?

PENSIONS WITHHELD ON ACCOUNT OF CONVICTIONS IN POLITICAL CASES.

287. **Sardar Sant Singh:** (a) With reference to the answer given on 9th March, 1932, to unstarred question No. 148, will Government kindly state if it is not a fact that para. 184 of the Pension Regulation does not debar the District or Independent Brigade Commander from withholding or reducing the pension or gratuity of an Indian military pensioner even if he be convicted of any crime of a political nature?

(b) Is it not a fact that such power is given only in cases of conviction of a serious crime, or of being found guilty of grave misconduct other than of a political nature?

(c) If so, are Government prepared to restore in full the arrears of pensions of those persons whose pensions have been withheld on account of convictions in political cases or on mere police reports?

Mr. G. M. Young: (a) and (b). Under paragraph 184 of the Pension Regulations a District Commander, on the recommendation of the local civil authorities, is competent to order the forfeiture of pensions in cases relating to misconduct of a political nature

(c) Does not arise.

FACILITIES FOR CLAIMING MILITARY PENSIONS.

288. **Sardar Sant Singh:** (a) With reference to the answer to unstarred question No. 150 (b) given on 9th March, 1932, will Government please lay on the table a comparative statement showing adequate facilities for Indian military pensioners as against the facilities given to British ex-soldiers and their families?

(b) Is it not a fact that:

(i) a British pensioner can engage the services of any voluntary worker or friend whereas in India it is resented;

(ii) a British pensioner in Appeal Tribunals can engage a solicitor or barrister, a specialist and a friend while in India the C. M. P. A., Mhow, decided that no reply can be sent to the address of a pleader;

(iii) despite the high percentage of literates in England hundreds of committees, sub-committees and sub-sub-committees with a hoard of voluntary workers have been appointed and notices affixed on every post office and public building showing the location of these committees and addresses of voluntary workers, whereas in India the location and the new designation of disbanded units is not known even by Deputy Commissioner's offices, which usually ask the claimants about the location of their unit?

(c) If so, what were the facilities afforded to Indian ex-soldiers?

Mr. G. M. Young: Government are not prepared to argue the matter with the Honourable Member. They are satisfied that all genuine claims to pension are fully investigated, and they are always ready to examine any individual case themselves, if brought to their notice.

MILITARY DISABILITY AND FAMILY PENSION CLAIMS.

289. **Sardar Sant Singh:** (a) With reference to the reply given on 9th March, 1932, to unstarred question No. 152 (a) and (b), are Government prepared to see the cases detailed below?

(i) Letter No. I. H. C./44/34, dated 31st October, 1931 of the Headquarters No. 2 (E. C.) Coy. I. H. C., Lucknow, *re* Mustt. Ghogri widow of late Sweeper Jail Lal No. 8268.

(ii) Letter No. 18330/27/R.-8, dated 15th December, 1931 of the Officer Incharge Records, Indian Signal Corps, Jubouipore, *re* Mustt. Nimbo, mother of late Driver Jai Ram No. 5083.

(iii) Letter No. 2-102/1/28, dated 17th March, 1931, of the Officer Incharge Records, 2/102nd Grenadiers, Bareilly, *re* Mustt. Lado widow of No. 1747 Sepoy Hari Singh.

(iv) Letter No. G.-4/4116, dated 29th January, 1932, of the C. M. A. and Pension, Lahore, *re* Mustt. Anaran, widow of late No. 3012 Sepoy Hazari Singh.

(v) Letter No. F./P. A. D./55/1/9/3948, dated 27th October, 1930 of the C. M. A. S. C. Poona, *re* Mustt. Raham Daulat, mother of Fitter Jangsher Khan No. 6782.

(vi) Letter No. 293/28, dated ^{24th August}/_{25th August} 1928, of the O. C. 2/9th Jat Regiment to District Soldiers Board, Delhi, *re* No. 5117 Sepoy Jhawar.

(vii) Letter No. 4/9/4/1/410, dated 3rd December 1931, of the Officer Incharge Records, 4/9th Jat Regiment, *re* No. 2105 ex-Sepoy Fatheyab Khan.

(viii) Letter No. 794/A./20, dated 7th May, 1931, of the Adjutant 5/11th Sikh Regiment, *re* No. 900 Reservist Nagender Singh.

(ix) Letter No. 14763/2/A.-2, dated 28th November, 1931, of the Headquarters, Northern Command, Rawalpindi, *re* ex-Sepoy Narain Singh.

(x) Letter No. A./13/1/679, dated 27th March, 1931, of the Adjutant 13th D. C. O. Lancers, *re* No. 724 Sowar Chanen Singh.

(b) Have not the affidavits of eye witnesses submitted to substantiate the facts of death and disabilities been disregarded by the authorities concerned?

(c) Have not the Ministry of Pensions issued instructions in the cases of deaths and disabilities unrecorded to allow the advantage of doubt to the beneficiaries?

Mr. G. M. Young: Inquiries are being made and replies will be laid on the table in due course.

MILITARY DISABILITY AND FAMILY PENSION CLAIMS.

290. **Sardar Sant Singh:** (a) Has the attention of Government been drawn to the practice prevalent in their department whereby proved and acceptable disability claims have been admitted by the Government of India with effect from the date of their sanction and on rates far below the minimum as against the date of casualty and the monthly minimum rate of Rs. 8 per mensem?

(b) Are Government aware that the above practice extends to family pensions of the Indian ranks?

Mr. G. M. Young: (a) and (b). The answer is in the negative. All claims that are eligible and proved are disposed of in accordance with the rules.

PROMOTION OF TELEGRAPHISTS.

291. Pandit Satyendra Nath Sen: (a) Will Government be pleased to refer to unstarred question No. 403 (regarding promotion of Telegraphists) put in the Assembly on the 25th March, 1931, and state what decision has been arrived at in the matter?

(b) If so, will Government please state whether definite rulings have since been issued on the points raised therein; if not, when a decision may be expected?

Mr. T. Ryan: (a) and (b). A decision on the subject has been postponed pending the consideration of certain connected questions relating to retrenchment.

RECOMMENDATIONS OF THE POSTS AND TELEGRAPHS RETRENCHMENT SUB-COMMITTEE.

292. Pandit Satyendra Nath Sen: (a) Will Government be pleased to state whether the recommendations of the Posts and Telegraphs Retrenchment Sub-Committee as laid down in paras. 202 (Chapter X) and 164, sub-para. (b), (Chapter VIII) of their Interim Report have been accepted by Government?

(b) If so, to what extent? If not, what are the reasons?

The Honourable Sir Joseph Bhore: (a) The suggestions in the paragraphs in question are being considered.

(b) Does not arise.

DETERMINATION OF SENIORITY OF BAUDOT SUPERVISORS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

293. Pandit Satyendra Nath Sen: (a) Is it a fact that the Indian Telegraph Association requested the Director General, Posts and Telegraphs, to issue clear and definite instructions for fixing seniority amongst the Baudot Supervisors qualified in different standards to fill up appointments carrying allowances?

(b) If so, will Government please state whether the instructions asked for have since been given? If not, when are the instructions likely to be issued?

Mr. T. Ryan: (a) Yes.

(b) The reply to the first part is in the affirmative. The last part does not arise.

CONFIRMATION OF PROBATIONERS IN THE CHIEF ACCOUNTS OFFICE, EAST INDIAN RAILWAY.

294. Pandit Satyendra Nath Sen: (a) Is it a fact that there is a rule that the Administration Section of a Chief Accounts Officer's Office, should be manned by the most efficient staff?

(b) If so what steps are being taken to give effect to the views of Mr. Sankara Iyer, late Chief Accounts Officer, East Indian Railway, expressed on the eve of his transfer on the subject of the confirmation of probationers?

(c) Do Government propose to issue orders to those concerned, so that the views of Mr. Sankara Iyer are not overlooked?

Mr. P. R. Rau: The internal arrangements of the office are for the Chief Accounts Officer to decide, subject to the general control of the Controller of Railway Accounts, and Government do not propose to interfere in them.

CONFIRMATION OF PROBATIONERS IN THE CHIEF ACCOUNTS OFFICE, EAST INDIAN RAILWAY.

295. Pandit Satyendra Nath Sen: (a) Are Government aware that the prolonged period spent on probation by those men of the East Indian Railway Accounts Department, who were recruited on the results of the competitive examination, prescribed in Appendix B to the Financial Commissioner of Railways' Memorandum No. 5565-F., dated the 31st July, 1929, is in contravention of their "Letters of Appointment", and that it has debarred them from drawing their annual increments? If so, do Government propose to permit them to draw their annual grade increase?

(b) Will Government be pleased to state whether Government intend to issue necessary instructions to the Chief Accounts Officer, East Indian Railway for confirming these probationers against existing permanent vacancies? Will any additional expenditure be involved thereby in view of the Controller of Railway Accounts letter No. 336-C. R. A./E./30, dated the 1st November 1930?

Mr. P. R. Rau: I have called for certain information on the subject and will lay a reply on the table in due course.

ABOLITION OF THE APPOINTMENT OF DEPUTY ASSISTANT ENGINEER, TELEGRAPHS CONSTRUCTION.

296. Pandit Satyendra Nath Sen: (a) Has the attention of Government been drawn to an insertion entitled Posts and Telegraphs Sub-Committee's Report in the *Amrita Bazar Patrika*, sometime in the last week of December, 1931?

(b) If so, will Government be pleased to state why one Deputy Assistant Engineer, Telegraphs Construction, is attached to the Patna Telegraph Engineering Branch? Is there any professional work for him to do?

(c) Have Government proposed to abolish the said post in order to run that branch more economically?

Mr. T. Ryan: (a) Government have seen the article.

(b) The Deputy Assistant Engineer was attached to the Patna Division for the supervision of construction work.

(c) The question is under consideration.

ABOLITION OF THE APPOINTMENT OF DEPUTY ASSISTANT ENGINEER, TELEGRAPHS CONSTRUCTION.

297. Pandit Satyendra Nath Sen: (a) Will Government be pleased to state why one Deputy Assistant Engineer is attached to the Patna Telephone Exchange? Is there any professional work for him to do? Did the special officer, Mr. P. N. Mittra, deputed by the department in connection with the reduction of staffs, approve a Deputy Assistant Engineer for Patna?

(b) Have Government proposed to abolish the said post to run the Patna Telephone branch more economically?

(c) Is it a fact that the connections there are less than five hundred?

(d) If the reply to part (b) is in the affirmative, do Government propose to appoint a Senior Telephone Supervisor for the Patna Telephone Exchange, instead of a junior, who will also be a Telephone adviser to the Divisional Engineer Telegraphs, Patna?

Mr. T. Ryan: Enquiries are being made and a reply will be laid on the table in due course.

REDUCTION IN NUMBER OF SUB-DIVISIONAL OFFICERS, TELEGRAPHS.

298. Pandit Satyendra Nath Sen: Is it a fact that at present four Sub-Divisional Officers, Telegraphs, are attached in each Division, in the Telegraph Engineering Branch? If so, have Government considered the question of appointing three Sub-Divisional Officers with a few more clerks under them, in each division, for the sake of economy?

Mr. T. Ryan: The reply to the first part of the question is in the negative. The second part does not arise.

DEATH OF MR. K. V. RANGASWAMI IYENGAR.

The Honourable Sir George Rainy (Leader of the House): I think, Sir, before we proceed to the business of the day, it will be the wish of this House that something should be said of one who was formerly one of our Members and who passed away yesterday evening. Mr. Rangaswami Iyengar had a very long connection with the Central Legislature. He was first a Member of the old Imperial Legislative Council, subsequently I understand of the Council of State, then for four years—during 1926-30—of the Legislative Assembly, and at the time of his death he was again a Member of the Council of State. A great many of the Honourable Members present to-day must remember very well his familiar figure on the benches opposite, and the very close attention he paid to the debates, notwithstanding the physical defect of his deafness, which must have made it very difficult. But he never allowed his disability to stand in the way of the performance of his duties as a Member of the Legislature,

and I have often admired the firmness and perseverance with which he carried on under circumstances of difficulty. I knew him as a man of the most courteous and kindly nature and also of considerable ability, who could make a worthy contribution to the discussions in this House. We shall all miss him, Sir, and feel that we have lost a personal friend. I am sure it would be in accordance with the wish of every Honourable Member if you, Sir, were to communicate to his relatives an expression of our deep sympathy and sorrow.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I little knew when I went to see Mr. Rangaswami Iyengar last evening in the hospital that this morning what was left of him would be added to the sacred waters of the Jumna. Sir, he came here full of hope that he would continue his work for the country through the Legislature. He was a signatory, before the reforms came into existence, to the 19 Members' memorandum. He was then a colleague of Sir Surendra Nath Banerjea and Sir Bhupendra Nath Basu; and in those days when the reforms were yet to come into existence and when agitation had to be carried on in the country, he joined hands with Mrs. Besant, and travelled long distances preaching the gospel of Home Rule. He, however, did not join the non-co-operation movement which followed; but true to his duty as a legislator, he entered the Legislature, the Council of State, as a representative of the landholders of South India. Again when the Swarajists entered the Legislature, he came to the Legislative Assembly, joined the Swaraj Party, and was one of the most respected Members of that party, who enjoyed the confidence not only of its leaders but of the rank and file. Time and again he had to differ from his leaders. Independence which was an outstanding trait of his character shone when his conviction was not in agreement with their convictions. He then stood for the Council of State, and without any difficulty the province which had honoured him before sent him back to the Council of State. Sir, he came of a very aristocratic family in the South, and spent most of the money that was his in the public cause; and he will long be remembered in South India, as in this Legislature, as a great man and a good man, who was generous, even to a fault. When I look back to six days ago, when he was taken away from his house to the hospital, I could not imagine that he would pass away; he looked so very healthy. Sir, "in the midst of life we are in death". My party and I deeply mourn his passing away. We can only pray for the progress of his soul. It is very seldom that we come across one so good and so true. The hand we were pleased to touch has gone; the voice we loved to hear we shall hear no more. May he rest in peace "where the wicked cease from troubling and the weary are at rest."

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): Sir, I should like to associate myself and my party with the motion that has been made by my Honourable friend the Leader of the House. Mr. Kodivalam V. Rangaswami Iyengar was a well known figure in Madras politics and was in the public life of the country and of the Presidency for the last twenty years. When we remember that he was only 46 at the time of his death, we can realise at what early age he came into prominence in public life and what an active part he has taken during the last twenty years in every aspect of political affairs in the country. Not only did he take a leading part in national politics, as

[Diwan Bahadur A. Ramaswami Mudaliar.]

has been referred to by my friend, Mr. Ranga Iyer, but he was also interested in parochial politics: he was the Chairman of the Municipal Council of Srirangam, his birth-place, and his name is a household word both in Trichinopoly and in Srirangam. In the old Imperial Legislative Council I believe he had the honour of being a colleague of yours, Sir, and for many years with the great men who then took part in the debates of that Council he joined in organising and expressing the public opinion of the country. Mr. Rangaswami Iyengar has been from 1916, except for a short period of one year in 1925 or 1926, a member of the Central Legislature, either of the old Imperial Legislative Council or of the reformed Legislature at the centre. His personality, his charming figure, his absolute urbanity of temperament and his pleasant ways always will remind every one of us of the nature of his good qualities. I have never seen him—and I do not think any Member of this House has ever seen him—in a temper. Whatever might be the occasion, however much he might feel, he always kept that cheerful outlook and that cheerful personality which was his chief characteristic. Sober, always straight in his talk, and always mellowed in his language, Mr. Rangaswami Iyengar typified the rural gentleman at his best. I think that we will be doing our duty if we convey on behalf of the House our feelings of regret to the members of his family at the early demise of the gentleman. Sir, the circumstances under which he was parted from us are of the most tragic kind. Away from home, away from those who are near and dear to him, with only his brother who was just in time to see him in life, Mr. Rangaswami Iyengar has passed away in a strange place, comparatively speaking. These tragedies make us realise occasionally what those who are doing their best on the non-official side for the cause of the country may have to suffer. Mr. Rangaswami Iyengar's death must bring home to every one of us that they also serve who only stand and wait, and they also serve who place before the authorities the best temper and the best opinion of their countrymen in this country.

Maulvi Sayyid Murtuza Saheb Bahadur (South Madras: Muhammadan): Mr. President, it is my most painful duty to associate myself with the previous speakers in expressing our sense of sympathy and grief for the bereaved family of our departed friend Mr. K. V. Rangaswami Iyengar. He belonged to the same place from where I come. He was my personal friend and was beloved by all communities alike. Though an orthodox Brahmin, he was very social with both Indians and Europeans. In him we have lost a genuine and genial friend. Sir, it was only the other day that I met him quite hale and hearty, and this morning I was shocked to find from the *Hindustan Times* that he had taken ill and passed away from this world. It pained me very much, because I had no opportunity of knowing that he had taken ill. Having heard suddenly about my friend's untimely demise, I ran up to the hospital this morning and took a last glimpse of his face. Sir, he was a staunch nationalist. His much-lamented father Mr. Kodialam Vasudeva Iyengar was a nominated member of the Madras Legislative Council who had many a virtue. Mr. Rangaswami Iyengar had inherited all those virtues and was connected with many national institutions, and as Chairman of the Srirangam Municipality, which is only three miles off from Trichinopoly, he was very popular among all classes of people. As has been expressed by the Deputy Leader of our party, Mr. Rangaswami Iyengar has passed away from this world under very tragic circumstances. His beloved

mother, who is much advanced in age, his daughters and other near relatives are far away from Delhi; they could not even come and have a last glimpse of the deceased; so, Sir, he died a very doleful death. Of course gentlemen of his stamp are very few, in whom are combined many good qualities. Being a nationalist of the first order he always interested himself in all causes which are calculated to lead to the advance of the country and the uplift of all Indians alike. With these few words, I support the motion before the House.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, Mr. Rangaswami Iyengar was a great friend of mine. We were both colleagues in the first Council of State, and then he came back to the Assembly when I also came back here. I had known him for all this long period, and I can certainly say that he was a very conscientious legislator, a thorough gentleman and a good friend. It is a pity that he should have been snatched away from our midst at such an early age as 46, and I sympathise with the bereaved family and associate my party and myself with every word that has fallen from the previous speakers. I support this motion.

Mr. Arthur Moore (Bengal: European): Sir, we here also wish to be associated to the fullest extent with all that has already been said concerning the sudden and tragic death of one who was our former colleague and who was so well known to many of us.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, it is with great regret that we have heard the sad report of the death of Mr. Rangaswami Iyengar. Early in the morning we got the news from the newspapers, without knowing anything about his illness before, that he passed away last night. Mr. Rangaswami Iyengar belonged to a very aristocratic family of South India and he represented the Landholders' interests in the Legislatures. I first met him in 1921 in this city. He was generous to a fault; he was very clever and a great student of politics. Though he was an orthodox Prahmin, still he was very social with all communities, and in this matter I think he has left behind an example for many of us to follow. I have been closely watching him since 1921, and I must say that he was a thorough gentleman and had a large heart. His writings on political matters and certain other social subjects have left some reminiscences of his life behind. I know he was writing some books, and I do not know if he was able to complete his labour of love before his death. He was so hard working, and so thoughtful, that whenever anything happened either here or in the other place, he would immediately take up the question and study it closely, and he made a lot of sacrifice even to his personal discomfort. Sir, I associate myself with the Honourable the Leader of the House and endorse each and every word that has fallen from the lips of my friends belonging to the different parties. It is only fair, Mr. President, that our expression of sorrow should reach the members of his family. I understand his brother hurried to this place from the South coast only a couple of days ago and he was able to meet the deceased just in time. It is really a pity that we were not informed of the serious nature of his illness nor of the exact hour fixed for his funeral, otherwise some of us at least would have taken a last glimpse of the deceased, and we have missed an opportunity of our life.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair wishes to associate itself with all that has fallen from Honourable Members in regard to the sad loss which the country has suffered by the premature

[Mr. President.]

passing away of Mr. Rangaswami Iyengar, a gentleman whom I had known for many years and with whom I had developed close ties of friendship. Mr. Rangaswami Iyengar was a very quiet worker in the cause of his country, and one of his greatest merits was that he was always found associated with all progressive movements for the advancement of his motherland. The Chair will communicate to his relatives the feeling of sorrow and sympathy to which the House has given expression.

ELECTION OF MEMBERS TO THE PUBLIC ACCOUNTS COMMITTEE.

Mr. President: I have to inform the Assembly that the following Members have been elected to serve on the Committee on Public Accounts, namely:

1. Rao Bahadur M. C. Rajah.
2. Mr. T. N. Ramakrishna Reddi.
3. Kunwar Hajee Ismail Ali Khan.
4. Mr. S. C. Mitra.

ELECTION OF MEMBERS TO THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

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

1. Mr. R. S. Sarma.
2. Khan Bahadur H. M. Wilayatullah.
3. Mr. G. Morgan.
4. Haji Chaudhury Muhammad Ismail Khan.
5. Mr. A. H. Ghuznavi.
6. Sirdar Harbans Singh Brar.
7. Maulvi Sayyid Murtuza Saheb Bahadur.
8. Mr. Muhammad Yamin Khan.
9. Khan Bahadur Haji Wajihuddin.
10. Mr. Bhuput Sing.
11. Rao Bahadur S. R. Pandit.

STATEMENTS LAID ON THE TABLE.

REPRESENTATION OF MUSLIMS IN THE INCOME-TAX DEPARTMENT, BENGAL.

The Honourable Sir George Schuster (Finance Member): I lay on the table the information promised in reply to starred question No. 612 asked by Mr. Muhammad Anwar-ul-Azim on the 4th March, 1932.

(a) Total selections have been made for the appointment of 3 Examiners and 17 Assessors. The latter appointments had to be made in the chain of vacancies caused by the appointment of 17 Assessors as Income-tax Officers.

STATEMENTS LAID ON THE TABLE.

Of the candidates selected 2 are G. D. As., 1 M.A., 1 B.Com., 11 B.As. and 1 B.Sc. 4 men have been promoted from the department.

Appointments made up-to-date—3 Examiners and 11 Assessors.

(b) This is not a fact. All those candidates who are G. D. As. were offered appointments, but only 3 G. D. As. accepted. Certificates of Divisional Accountant are not regarded as entitling the holders to preferential treatment in filling appointments. It does not appear that any holder of such a certificate applied for one of these temporary posts.

Of the 3 G. D. As., 2 have been appointed to these temporary posts and 1 has been held in reserve to fill a permanent appointment as Examiner which has fallen vacant.

(c) No B.A. or M.A. in Persian has been selected for appointment, so the latter part of the question does not arise.

(d) The figures are shown as below:

	No. of clerks.	No. of Mahomedan clerks.
Office of Commissioner of Income-tax, Bengal	15	Nil.
Office of Assistant Commissioner, Calcutta	7	Nil.
Office of Assistant Commissioner, Head Quarters	11	3

(e) The Honourable Member is apparently referring to the circular issued by the Government of Bengal regarding representation in Services under their control. The orders of the Government of India, as the Honourable Member is aware, are that one-third of the permanent vacancies should be reserved for redressing communal inequalities. They have laid down no fixed percentages for any particular minority community, but have under consideration the question how far it is practicable to follow the practice of local Governments in respect of Services under the Central Government recruitment to which is made locally.

(f) 38 per cent. of the total strength of clerks in Income-tax Offices and Assistant Commissioners' offices.

APPLICATIONS FOR REVISION OF INCOME-TAX IN THE BOMBAY PRESIDENCY.

The Honourable Sir George Schuster: I lay on the table the information promised in reply to starred question No. 658 asked by Mr. Lalchand Navalrai on the 7th March, 1932.

(a) The number of applications was:

1928-29	849
1929-30	1,512
1930-31	1,474

I regret that it is not possible to inform the Honourable Member in how many cases the applicant requested a hearing and in how many cases a hearing was given. To obtain this information would involve the examination of 3,835 files, and I do not feel justified in imposing that task on the staff. I may remind the Honourable Member that the Commissioner acting under section 33 is theoretically acting of his own motion. The section does not provide for any application by an assessee, nor does it require that the assessee should be given a hearing except when the Commissioner proposes to pass an order prejudicial to him. The Commissioner estimates that he granted a hearing in about 40 per cent. of the cases.

(b) As already stated, the law does not contemplate the presentation of applications under section 33. Nor does it require the Commissioner to record reasons for deciding not to exercise his powers under that section. When the Commissioner so decides, he informs the applicant accordingly, and does not generally record the reasons for that decision. Where he does record his reasons, a copy of his order is given to the assessee if he applies for it.

NUMBER OF SIKHS AND MEMBERS OF OTHER COMMUNITIES ON COMMITTEES OF THE ROUND TABLE CONFERENCE.

The Honourable Sir George Rainy (Member for Commerce and Railways): I lay on the table the information promised in reply to starred question No. 721 asked by Sardar Sant Singh on the 9th March, 1932.

Indian States Committees—

(a) Nil.

(b) Hindus 4.

Muhammadan 1,
Anglo-Indian 1

Sikhs—The only application received from Sikhs was for employment as peon.

(c) Does not arise.

Indian Franchise Committee—

(a) Nil.

(b) Hindus 15.

Muhammadans 5.
Anglo-Indians 2.

Sikhs—An appointment was offered to a Sikh but he was not prepared to accept the terms offered.

(c) The information is not readily available.

Consultative Committee—

(a) One.

(b) Hindus 4.

Muhammadans 2.
Anglo-Indian 1.
Indian Christian 1.
Sikh 1.

(c) The information is given below.

Name of candidate.	Community.	Qualifications.
1. Mr. Fateh Singh. (He was not taken.)	Sikh	B.A. Employed in the office of the Controller of Railway Accounts.
2. Mr. V. K. Joseph	Indian Christian . .	B.A., LL.B., B. Com. He has one year's previous experience of office work.
3. Mr. Zia-ud-din Ahmad . .	Muslim	B.A., LL.B. A lawyer of six years' standing. He has one year's previous experience of office work.
4. Kunwal Kishore	Hindu	B.A., LL.B. Has practised as a lawyer for one year. Has been working in a Government office for about three years.

COMMUNITIES OF POSTMEN AND INFERIOR SERVANTS IN MUSSOORIE POST OFFICES.

Mr. T. Ryan (Director General, Posts and Telegraphs): I lay on the table the information promised in reply to starred question No. 403 asked by Khan Bahadur Haji Wajihuddin on the 17th February, 1932.

(a) Forty-five.

(b) Yes.

(c) The Season arrangements referred to are made by the Postmaster-General, United Provinces Circle, to whom a copy of this question has been sent.

REJECTION OF AN APPLICATION FOR CONSTRUCTION OF A BUNGALOW IN LAHORE CANTONMENT.

Mr. G. M. Young (Army Secretary): I lay on the table the information promised in reply to starred question No. 354 asked by Sirdar Sohan Singh on the 15th February, 1932.

(a) Yes.

(b) Yes, the application was returned without reference to the Board, because the specifications of the proposed bungalow were not in accordance with those prescribed in a scheme which had been sanctioned under section 181 (4) of the Cantonments Act, by the Officer Commanding-in-Chief, the Command, in the area within which the bungalow was to be constructed.

(c) Government are of opinion that the object in view, namely, the construction of bungalows of a particular type, should have been achieved by by-laws under section 186 (b) of the Cantonments Act rather than by the imposition of a scheme under sub-section (4) of section 181, and are communicating orders accordingly to the authorities concerned.

(d) Yes.

(e) and (f). The practice existed until lately but has now been discontinued.

PROSECUTIONS INSTITUTED BY THE EXECUTIVE OFFICER, SIALKOT CANTONMENT.

Mr. G. M. Young: I lay on the table the information promised in reply to starred question No. 661 asked by Sirdar Sohan Singh on the 7th March, 1932.

(a) Government understand that since the introduction of the Cantonments Act, 1924, the practice in the Sialkot Cantonment has been for the Executive Officer to issue notices under that Act as soon as the necessity for doing so arose, his action being subsequently confirmed by a resolution of the Board.

(b) and (c). After the Board had confirmed the issue of the notices the Executive officer lodged prosecutions for non-compliance with those notices as the Board had delegated its powers under sections 266 and 267 to him.

(d), (e) and (f). Yes.

(g) The expenses of the Cantonment Board in the revision proceedings amounted to Rs. 165.

(h) Government have no information.

(i) No further action is called for, as both the Cantonment Board and the Executive Officer acted in good faith and in the belief that the procedure which had been followed for some years was correct.

(j) Government have no reason to believe that the incorrect procedure is followed in other cantonments; and, in view of the decision of the High Court, they do not consider that any action is required.

MUSLIM CLERKS DISCHARGED FROM THE OFFICE OF THE CHIEF MEDICAL OFFICER, NORTH WESTERN RAILWAY.

Mr. P. R. Rau (Financial Commissioner, Railways): I lay on the table the information promised in reply to starred question No. 675 asked by Mr. Muhammad Muazzam Sahib Bahadur on the 7th March, 1932.

Only one clerk has been discharged from the office of the Chief Medical Officer, North Western Railway during the last three years and that clerk belonged to the Muslim community. The clerk discharged was inefficient and before his services were dispensed with he had had sufficient warning given to him that his work was not of the standard required.

APPOINTMENT OF TRAFFIC INSPECTORS ON THE NORTH WESTERN RAILWAY.

Mr. P. R. Rau: I lay on the table the information promised in reply to starred question No. 446 asked by Mr. Lalchand Navalrai on the 22nd February, 1932.

(a) and (b). The last 4 employees confirmed as Traffic Inspectors together with their substantive pay and the pay on which they have been confirmed are given below:—

Names.	Former substantive pay.	Substantive pay.
		Rs.
1. Mr. W. W. Foster	A. S. M., Grade V Rs. 300 .	380
2. Mr. Raghwanish Singh	Claims Inspector pay Rs. 190	365
3. Mr. Kirpa Ram	S. M., Grade III pay Rs. 190 .	365
4. Mr. Dewan Chand	S. M., Grade III pay Rs. 190	365

(c) Promotions to the post of Traffic Inspector are made by selection from employees who have adequate experience and who are considered to have the qualifications necessary for this post. Such employees appear before a Selection Board of Principal Officers in Headquarters by which the final selection is made, and by whom due consideration is given to the claims of all.

(d) I understand there is no likelihood of their confirmation being cancelled. Their case is different from that of the Controllers referred to by the Honourable Member.

NON-INCLUSION OF CERTAIN RESOLUTIONS IN THE AGENDA OF A MEETING OF THE LAHORE CANTONMENT BOARD.

Mr. G. M. Young: I lay on the table the information promised in reply to starred question No. 351 asked by Sirdar Sohan Singh on the 15th February, 1932.

(a) Yes.

(b) No. The resolutions were returned under instructions of the President. I am informed that, among other reasons which led to their not being placed on the agenda, they were not received 10 days before the meeting, as required by the regulations.

(c) Yes, provided that it complies with the regulations on the subject.

(d) Does not arise.

OFFICERS DEALING WITH ESTABLISHMENT MATTERS ON THE EASTERN BENGAL RAILWAY.

Mr. P. R. Rau: I lay on the table the information promised in reply to unstarred question No. 87 asked by Mr. M. Maswood Ahmad on the 22nd February, 1932.

Five Muslim officers employed on the Eastern Bengal Railway deal with establishment matters, in addition to their technical duties, viz.:

Department.	Rank.	Designation.
Medical	1 Head of Department .	Chief Medical Officer.
Traffic and Commercial .	3 { 1 District Officer .	District Traffic Superintendent (Crews).
	2 Assistant Officers .	Assistant Traffic Superintendent, Santahar.
Signal Engineering. .	1 Assistant Officer .	Assistant Crew Officer.
		Assistant Signal Engineer, Calcutta.

As regards Office Superintendents and Head Clerks, there are 5 Muslim employed as follows:

Department—

Mechanical Engineering—

- 1 Head Clerk employed at Naihati in the Head Train Examiner's Office.
- 1 Head Clerk employed at Kanchrapara in the Electric Power Superintendent's Office.
- 1 Head Clerk employed at Paksey in the Establishment Section of District Loco. Superintendent's Office.
- 1 Head Clerk employed at Paksey in the Accounts Section of District Loco. Superintendent's Office.

Traffic—

- 1 Head Clerk employed at Calcutta in the District Traffic Superintendent Crews' Office.

CONTRACTS FOR UNLOADING AND STOCKING COAL ON THE GREAT INDIAN PENINSULA RAILWAY.

Mr. P. R. Rau: I lay on the table the information promised in reply to starred question No. 770 asked by Lieut.-Colonel Sir Henry Gidney on the 14th March, 1932.

(a) The reply to all the parts of this question is in the negative.

(b) Does not arise.

DRAFT CONVENTION AND RECOMMENDATIONS *RE* PROTECTION AGAINST ACCIDENTS OF WORKERS EMPLOYED IN LOADING, AND UNLOADING SHIPS.

The Honourable Sir George Rainy (Leader of the House): With your permission, I wish to make a statement regarding the Draft Convention and Recommendations concerning the protection against accidents of workers employed in loading or unloading ships adopted by the International Labour Conference at its 12th Session held in 1929.

On the 14th July, 1930, this House adopted the following Resolution moved on behalf of Government:

"This Assembly having considered:

- (1) the Draft Convention concerning the protection against accidents of workers employed in loading or unloading ships;
- (2) the Recommendation concerning reciprocity as regards the protection against accidents of workers employed in loading or unloading ships; and
- (3) the Recommendation concerning the consultation of workers' and employers' Organisations in the drawing up of regulations dealing with the safety of workers employed in loading or unloading ships;

adopted by the International Labour Conference at its Twelfth Session recommends to the Governor General in Council that he should examine the possibility of giving effect to the above Convention and the Recommendations and that the results of this examination should be placed before the Assembly within eighteen months from this date."

The Government of India consulted the Local Governments and through them the Port Trusts and commercial bodies as to the desirability of ratifying the Draft Convention and accepting the Recommendations referred to in the above Resolution. The replies received showed that the weight of opinion was in favour of the Draft Convention being ratified and the Recommendations being accepted. After considering the replies the Government of India came to the conclusion that the Draft Convention should be ratified and the Recommendations accepted on behalf of India and that necessary legislation should be undertaken to give effect to them. Subsequently, however they received intimation from the International Labour Office that certain Governments had met with difficulties of a practical nature when considering the question of ratifying the Convention, and had approached the Office with the suggestion that, in order to remove these difficulties, the Draft Convention should be modified. An examination of the points of difficulty raised by the Governments referred to above showed that similar difficulties would arise in India and that the amendments to the Draft Convention suggested by the Governments in question would remove them. In the circumstances the Government of India decided to postpone the question of introducing legislation to give effect to the Draft Convention till the decision of the Governing Body of the International Labour Office on the proposal for the revision of the Draft Convention had been received.

The Government of India have now received intimation that the Governing Body of the International Labour Office have placed the question of the partial revision of the Draft Convention on the Agenda of the Sixteenth Session of the International Labour Conference which is to open

(2618)

at Geneva on the 12th April 1932. In the circumstances the Government of India propose to await further developments before taking any further action regarding the ratification of the Draft Convention and the acceptance of the Recommendations.

THE BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL—*contd.*

Mr. President: Further consideration of the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, as reported by the Select Committee.

Mr. Lalchand Navalrai (Sind: Non-Muhammadian Rural): The issue involved in this amendment* is whether we should give sanction to taking away the powers of the High Court under section 491 in respect of the detenus under the Bengal Criminal Law Amendment Act. On Thursday last, while discussing this point, I attempted to make out my contentions, I asked the House to consider this question as one of great and vital importance. If this were in any sense a communal question it would be only a few Members of the House that would pay sympathetic attention to it, but this is a question of national importance, and I request the House to give its utmost consideration to it and look at it from all points of view.

Now, Sir, the points that I made the other day were these. One, that the liberty of a man established by *habeas corpus* does exist independently of the provisions of section 491 of the Code of Criminal Procedure. The second that this Legislature, either this House or even the other House,—the Council of State—has got no power to abolish rights of a *habeas corpus* nature. The third point, with which I concluded that day, was that the proviso to section 491, Criminal Procedure Code, as it now stands which really curtails the powers of the High Court so far as certain regulations mentioned therein are concerned is *ultra vires*. I do contend even now that those provisions under clause 3 of section 491 are *ultra vires*; in other words, even though made by the Legislature, they are null and void. Now these are questions purely of law, and it is well-known, that a legal discussion is generally dry. The other day I was sorry when my Honourable friend, Sir Cowasji Jehangir, found himself somewhat uncomfortable in his seat and doubted whether the points that we are discussing here were appropriate. He put a question whether this House was constituting itself a High Court. Sir, I know full well that some Members of this House are more accustomed to politics than to law, and my Honourable friend will excuse me if I crave his indulgence for saying that he has of course held a portfolio previously of a political nature and not of law, and therefore perhaps he is a little impatient about the consideration of these law questions. I must however submit that this question is of such an important character that all the Members of this House must give their whole attention to it, and decide for themselves this plain question, namely, whether they are going to curb the elementary rights of a man by curtailing the undoubted rights of the High Court with regard to these detenus,

*That clause 4 be omitted and clause 5 be renumbered as clause 4."

[Mr. Lalchand Navalrai.]

who are already involved in much hardship and harsh treatment? I would therefore ask my Honourable friend, Sir Cowasji Jehangir, to bear with me while I continue my line of argument in order to try to satisfy this House that this clause 4 of the Bill, which is sought to be incorporated into an Act, should not be so made a Bill of the Bill. Sir, on Thursday last, I concluded by saying that proviso 3 to section 491 is really not legal; no matter if it has been made by the Legislature; the Legislature is after all a human body and all human bodies are liable to err. There no doubt have been several Acts some provisions of which the highest courts, including the Privy Council, have held to be *ultra vires*. Sir, I contend that that is the exact position here also. I lay stress on the point of illegality of such a provision as clause 3 of section 491, Criminal Procedure Code, because in the Statement of Objects and Reasons only one reason is given for enacting this clause and that is that a precedent exists under clause 3 of section 491 of the Criminal Procedure Code wherein certain regulations have been excepted from the operation of section 491, Criminal Procedure Code. Sir, it is thus sought to be established that so far as the Bengal Criminal Law Amendment Act is concerned, the High Court should have no power to look into the merits of the case and to decide upon the justice or otherwise of the case of a detenu. Sir, I referred that day to the Indian Law Reports, 39 Bom. and said that in that decision, though it has not been directly ruled that proviso 3 is inoperative, yet there are some remarks therein to support my view. To make that case understandable, I may say that it was a case in which a man was taken up and confined under a writ on the requisition of the Government of Germany for having committed an offence of cheating. An order had been made that that man was to be extradited to Germany to be tried there. An application was made to the High Court, probably under section 491 or under the *habeas corpus* Act, that the High Court should interfere and send for the record and look into that case to find out for themselves the propriety and legality of the action under the Extradition Act. Sir, objection was taken then that the High Court had no jurisdiction and the High Court went into that question and decided that they had jurisdiction. This was because the Extradition Act had made no exception to the exercise of their powers under section 491. Incidentally, however, the question was raised whether the proviso 3 to section 491 is valid or invalid. I shall read out what they said at page 182 of I. L. R. 39 Cal.:

"It must, however, be shown clearly that supreme power such as that under *Habeas Corpus* or under directions in the nature of that writ has been expressly left, if that be possible, to the Legislature."

Now these are the words that I lay emphasis upon, in order to show that it is doubted whether the Legislature have got the power to interfere with the writ of *habeas corpus*. Further on, it is said:

"On the contrary clause 3 of section 491, whether validly or invalidly, excepts certain regulations and Acts from the operation of that section."

I lay emphasis on the words "validly or invalidly". So there is a doubt about its validity and the question is open. Then further on it lays down:

"But the English Act did not give the right to *Habeas Corpus*. It merely declared a right which existed independently of the Statute."

It is therefore my contention here also that the *habeas corpus* right remains independently of section 491, Criminal Procedure Code. Then, Sir, I will read out that portion of the ruling where it is said:

"In re. Salet *ex-parte* Baset indicated, in sections 11, 33 and 34 Vic. c. 52, 1870, the time when as a matter of procedure that right should be invoked. By the order of the Council of 7th March 1904, Gazette of India, page 463, 14th May 1904, it was under section 18 of the English Statute declared that chapter II of the Indian Act should take effect as if it were part of the English Statute. That order has not the effect of incorporating the procedure of section 11 of the Statute into this country which has a procedure of its own."

Sir, the portion which is important is this:

"The order may, however, be affected to show, so far as it goes, that there was no intention to do away with the right to *Habeas Corpus* which was declared in Statute in support of which the Indian Act was ordered to take effect as if it were a part of it."

Then, I submit, that I have now made out two points, namely, with regard to the existence of the right of *habeas corpus* independently of the Statute in the High Court, and my humble submission is that the provision which has been made in clause 3 to section 491, Criminal Procedure Code, is not a valid and legal one. After these two points have been made, I would urge that the question with regard to the reasonableness or feasibility of giving sanction must have some cogent reasons. It is questionable whether such cogent reasons do exist. Sir, I must submit that no reason has been given on which we may place our reliance and it would be absolutely wrong on our part to give such a sanction and take away the power of the High Court especially with regard to the Bengal Criminal Law Amendment Act. My reasons for saying so are these. The Bengal Criminal Law Amendment Act is an Act which is very harsh and severe in its application. That being the case, the question arises whether the only power that has been reserved to the High Court, namely, to send for the case and find out whether the man is really being detained properly or illegally, should also be taken away from it? With regard to this, I would refer to section 2 of the Bengal Criminal Law Amendment Act, which says:

"When in the opinion of the Local Government there are reasonable grounds for believing that any person has acted or is about to act in contravention of the provisions of the Indian Arms Act and other Explosive Substance Act. . . ."

or is found to be a suspect of the crimes therein mentioned, the Executive can pass an order calling on him to notify his residence and any change of residence to such authority as may be specified in the order. Also that he shall report himself to the police in such a manner and at such periods as may be so specified; shall conduct himself in such a manner or abstain from such acts as may be specified; shall reside or remain in any area so specified; shall not enter, reside in or remain in any area so specified and shall be committed to custody in jail. Now, Sir, these are the provisions which are very harsh indeed, and when they are intended to apply not to a man who has been judicially found out to be a suspect, they become harsher still. Then, Sir, let us see what is the procedure that is applied. It is stated in section 9:

"Within one month from the date of the order by the Local Government under sub-section (1) of section 2, the Local Government shall place before two persons, who shall be either Sessions Judges or Additional Sessions Judges the material facts and circumstances in their possession, on which the order has been based or which are relevant to the inquiry."

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These Judges are asked to be only reporters. The section goes on to say:

"The said Judges will then consider the said material facts and circumstances and the allegations and answers and shall report to the Local Government whether or not in their opinion there is a lawful and sufficient cause for the order."

Now, Sir, this is not a judicial decision at all. So we must say that the man had no trial of any kind; still the two Judges have to be appointed and it is always assumed that the procedure was observed though it amounts to nothing. In fact, I will say, if I may, that it is no procedure but a mere farce.

Rao Bahadur B. L. Patil (Bombay Southern Division: Non-Muhammadan Rural): Is it open or *in camera*?

Mr. Lalchand Navarai: It is not open but beyond the screen. Then, Sir, these two Judges sit together and go into the facts supplied to them by the Government and what do they do? They have to make only a report and after the report let us see who decides. Sir, the next paragraph gives that answer.

"On receipt of the said report the Local Government shall consider the same and shall pass the order thereon as it appears to the Local Government to be just or proper."

The question has been settled by the Local Government. They get the report and they themselves become the Judge. This is the kind of procedure that is prescribed by the Act. Further on, it is said:

"Nothing in this section shall entitle any person against whom an order has been made under sub-section (1) of section 2 to attend in person or to appear by a pleader in any matter connected with the reference to the said Judges, and the proceedings and the report of the said Judges shall be *confidential*."

Sir, is this justice? This procedure is not only harsh but even the report, according to this procedure, is confidential. Now, I ask what are you going to decide in the case under consideration? Here is a detenu whose case has been considered on a report submitted who is only a suspect detenu and his case has been considered in the manner that I have now indicated to the House. Thus even the report of the two Judges received by the Local Government about him remains a sealed book for the detenu.

I ask, is this justice? Before we enact this provision in the Bill, we must observe that there is at least a glimpse of hope, there is a loophole left for that detenu even though on the materials which are not sufficient and the materials which are supplied by the executive. The detenu has got the hope of getting his case reviewed by the High Court; but now the Government of India are asking the House to take away that power also and leave the detenu in the lurch, in the hands of the executive. They can suspect him, they can detain him, they can collect materials against him in any manner they like. They can appoint two Judges of the High Court to sit and report on the materials placed before them confidentially and then a final order is passed and the Government will say that the detenu is really guilty. Now, the Government further want that even the High Court should not interfere. Is this British justice? I therefore think that it would help the Government morally if they do not take away the last vestige of hope and the last resort the detenu has under the Criminal Procedure Code. I can well understand it, when they want to transfer

a detenu. There is some reason in it because the Government believe that by that detenu remaining in Bengal, he will contaminate other prisoners and he will create a disturbance in the prison. That is quite understandable. But if the detenus are transferred, certain conveniences could be given to them. What is the alternative going to be provided for in case the power of the High Court is taken away. The result is that even the little redress that the High Court could give to the detenus is sought to be taken away. Unless and until there are cogent reasons, which have not been given up to this time, the power of the High Court to give redress to the detenus should not be taken away. We are not now asking that the Criminal Law Amendment Act should be repealed. We do not say that the procedure which is a farce should be changed or improved. We are merely asking that the executive should not be given the power to take away the right of the High Court to examine the materials concerning a detenu. I do not know what reasons the Government have got to take away the powers of the High Court. They have not given the reasons up to now. In saying that the Government have not given any reasons, I am supported by what the Honourable the Law Member said in his speech on this debate. I have read the speech of the Honourable the Law Member—I also heard it in this House—and I find that he has given reasons justifying why a detenu should not be given a regular trial. They may be right or wrong, acceptable or unacceptable, but with regard to the provision of taking away the powers of the High Court, he has given no reasons, nor I submit could he give any sound reason. The Honourable the Law Member said:

"I may mention only two factors, one is that a trial is undesirable in order to protect witnesses from being assassinated and the second is that if these persons are brought to trial in that case the methods employed by the Government in fighting the terrorist movement will have to be disclosed in court in cross examination which in the existing circumstances is not desirable."

I can well understand the reasoning there. If you are going to have an open trial according to the ordinary procedure of the Criminal Law, then witnesses will have to be examined and cross-examined, and then there may be some fear—though I submit that reason also does not appeal to me for it will apply to every other case too. This is a political case in which witnesses come and give evidence, and they are, according to Government, in fear of being assassinated, but may I not ask that even in other Criminal trials pertaining to crimes other than political, is it not a fact that the witnesses are cross-examined that is likely to create bad blood? Is there no fear of the witnesses being assassinated? My opinion is that the argument will apply to all crimes under the criminal law. If the High Court calls for the material papers relating to a detenu, examines the papers and then gives its judgment, how is it that witnesses are going to be affected by that procedure? There will be no witnesses brought out for examination in the court. How then do you say that the witnesses would be in fear of being murdered? The High Court will simply examine the case and judge on the materials, and how will this disturb the happy or the unhappy methods that Government employ in crushing this terrorist movement? The reasons that are given for curbing the powers of the High Court do not appeal to me and I do not think they will appeal to the House either. I therefore submit that as no reasons are given for taking away the powers of the High Court, this amendment should be accepted.

[Mr. Lalchand Navalrai.]

I have only to say a few more words in conclusion. Section 491 of the Criminal Procedure Code allows the right to the High Court to call for a detenu and to consider his case. There is another clause which allows the High Court to call for certain witnesses in certain cases. If that power is also taken away from the High Court, then why not adopt rather a procedure in which when the police suspects a man, they can take him to the jail and let him remain in it till it pleases the police to report to the Local Government that the man has behaved better and could be released. Why not adopt such a procedure instead of the present one which does not help the detenu to any extent even his going up to the High Court. With regard to curbing of such powers of the High Court, the Honourable the Law Member said the other day that the Government always helped the High Court if they ordered the production of any witnesses. But now the Government want to deprive the High Court of the Statutory power of calling for witnesses. I submit that if witnesses can be called for by the High Court only on a request to the executive, it is absolutely a wrong procedure and it will leave the High Court at the mercy of the executive. If we pass this provision in this Bill, it will leave the High Court absolutely helpless and will leave the High Court completely at the mercy of the Executive Government. I therefore object strongly to this provision being put on the Statute-book. Sir, I will not take any more time and

1 P.M. I think I have been true to my promise of taking about 20 minutes.

Mr. President: The Honourable Member has taken 35 minutes.

Mr. Lalchand Navalrai: When speaking on a point of law, no one knows how much time he will take, and I have exceeded my promise by some time. However, I will again appeal to the House that this is a point to which they should give their utmost consideration. They should be alert in safeguarding their powers and in not surrendering the liberties of the people to the executive.

Mr. R. S. Sarma (Nominated Non-Official): Sir, whatever may be the defects of the present constitution of the Government of India or the shortcomings of the constitution of the present House, nobody can say that this House lacks lawyer Members who can frequently illumine and enlighten the Members of this House on intricate points of law. We have here lawyers of eminence like our friend who has just finished, lawyers of experience like my friend Mr. Yamin Khan, and lawyers of both eminence and experience like my friend Mr. K. Ahmed. But I really fail to see whether the House is to-day any the richer in its information on this Bill for all the wealth of wasted eloquence of my Honourable friend Mr. Lalchand Navalrai. Sir, he put two or three very passionate questions this morning. Is the right of the subject being taken away and is the High Court deprived of its rights over these detenues? I want to point out that it is very clear and there is no necessity for labouring this point. There was nothing in the speech of the Honourable the Home Member or in the brilliant exposition of the Honourable the Law Member the other day, which would give any other impression to this House. The whole point of the Opposition is that the powers of the High Court are being taken away,—and there is no doubt that they are being taken away. But the

question is why they are being taken away, and the facts that were adduced on behalf of this have not yet been controverted by any Member on that side. Sir, if the High Court's power is not taken away and if the High Court is asked to go into the merits of the case of the detenus who are kept without trial, then there is an obligation on the part of Government to adduce evidence and to produce witnesses to substantiate their case. It means that they have to name their witnesses and to reveal the secret sources of their information, and it is exactly that particular thing which this clause 4 wants to avoid. Sir, does any Honourable Member seriously suggest that in the present circumstances of the country it is safe for Government to have recourse to the procedure of naming witnesses and exposing them to the danger of their lives? I put this question very seriously, and I want Honourable Members in this connection to recall a very recent case, the case of the compositor Ashutosh Neogy who was assassinated like a dog because he gave evidence. When all those people who give information and who help Government as witnesses are tracked down and assassinated is it safe for Government to produce these people so long as these witnesses are not safe, inside the court as well as outside, by the pressure of public opinion? Sir, so long as terrorism is not put down, I do not think it is safe for Government to take that course unless public opinion rises to its full height. It is not that public opinion in India is in favour of terrorism, but public opinion is still afraid of these terrorists. There is no question about it. That is the reason, Sir, why witnesses cannot be exposed to the danger of their lives. That is the reason for the insertion of clause 4, and in my opinion clause 4 is only a corollary of the position taken up of detention without trial. And if this House cannot question that act of arresting people without warning and detaining them without trial, I do not understand how it is consistent for them to deny this right for which they are asking. Certainly, as the Advocate-General of Madras pointed out, what this Bill does is to bring these detenues on a par with Regulation III prisoners. If Regulation III prisoners do not enjoy the benefits of section 491, why should the detenus enjoy a similar privilege? But it can be then asked, "Why do you pass this Act? Why cannot you have all these people arrested under Regulation III and treat them as Regulation III prisoners?" There is absolutely no fundamental difference between this Act and Regulation III. The difference is only administrative and financial. Regulation III prisoners are all under the control of the Government of India, whereas the detenues under this Act are under the control of the Local Government concerned; and why should the Central revenues be applied for the maintenance of persons who are detained under a local Act? Sir, for these two reasons I think we should not accept this amendment.

Dr. F. X. DeSouza (Nominated Non-Official): Sir, I rise to intervene in this debate and I shall not be very long. But there are certain difficulties in my mind as to the legal position that will be created if clause 4 of this Bill is enacted into law, and I should like these difficulties to be solved before I am asked to vote upon this measure. The question whether for any of the purposes mentioned in what is now section 491 of the Criminal Procedure Code it is open to the applicant still to say that he will make an application independently of that section altogether for the prerogative writ of *habeas corpus* on the civil side of the High Court, is a question which has been the subject of a severe conflict of opinion between the Calcutta High Court on the one hand and the High Courts of Madras

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and Bombay on the other. I regret I shall have to inflict upon the House a dry and technical discussion, but unless I do so it will be impossible for me or for the House to understand the serious legal anomaly that will be created in my opinion if clause 4 is enacted into law. The question was first mooted in 39 Cal. 64 whether by section 491 of the Code of Criminal Procedure, the right to *habeas corpus* has been altogether abolished, and if so whether it is competent to the Indian Legislature to do so. That question, as I say, was first mooted in that case, but it was left unanswered as it was found that the provisions of section 491 of the Code of Criminal Procedure applied in that case. The question finally came up for decision before the High Court of Calcutta in 54 Cal. 727, where the Court held, and I may add was induced to hold by the brilliant advocacy of my Honourable friend who is now the Law Member of the Government of India, that to a person detained under the Bengal Criminal Law Amendment Act, relief is not now available by a writ of *habeas corpus*, but would have been available only under section 491 of the Code of Criminal Procedure except for the provision in the Bengal Criminal Law Amendment Act of 1925. So far, therefore, as the Calcutta High Court is concerned, the position is quite clear, that that Court holds that section 491 of the Criminal Procedure Code has abrogated the prerogative writ of *habeas corpus*. But that is not the position taken up either by the Madras High Court or the Bombay High Court. In a series of decisions, the Madras High Court (in 36 Mad. 72, 45 Mad. 14, 45 Mad. 922), and the Bombay High Court in a recent decision in 50 Bom. 616, have held that the jurisdiction which was inherited by the High Court from the Supreme Court was not curtailed by the provisions of section 491 of the Criminal Procedure Code. These High Courts will therefore hold that if clause 4 is enacted into law, it will be either *ultra vires* of this Assembly, or if it is not *ultra vires*, it will be superfluous. In the case I have mentioned, 54 Cal. the learned Chief Justice remarked that the Madras High Court and the Bombay High Court had lost sight of the provisions of Act X of 1872 and of Act X of 1875, and that these provisions had not been brought to the notice of those Courts when they decided the cases in the manner they have done. Be this as it may, there is a direct conflict between the several High Courts on this important point.

That being the position, what is the result? If a Bengali detenu is confined within the limits of the appellate jurisdiction of the High Court of Calcutta, and applies for a writ of *habeas corpus*, he will be told plainly that the question is concluded by authority and the High Court of Calcutta will not interfere. But suppose, as it is now proposed to do, the detenus are transferred to a place of detention within the local limits of the appellate jurisdiction of the High Court of Madras or of the High Court of Bombay, and those Courts are moved for writ of *habeas corpus* on behalf of those detenus, what will be the position? The Courts will say "We are not debarred by the provision of the Legislature which bars the application of section 491. We have an inherent right to issue a high prerogative writ of *habeas corpus*". And they will send for the record and proceedings of the cases of those detenus and they will proceed to examine them. It therefore comes to this: if a detenu is confined within the appellate jurisdiction of the High Court of Calcutta, he cannot have his case examined at all; while a detenu confined, within the appellate

jurisdiction of the High Courts of Bombay and Madras, will have every right to have his case examined. The result will be anomalous. Before the Honourable the Mover asks this Assembly to pass a measure of this kind, I venture to submit it is the duty of Government to get uniformity of decision between the various High Courts of Bombay, Madras and Calcutta. By what machinery this is to be done, it is not for me to say. They may get a decision of the Privy Council or they may await the introduction of the Supreme Court in this country. But until uniformity is obtained, it seems to me to be futile to enact a clause of this nature in the present Bill.

So much about the technical aspect of the measure. On the merits, is it really necessary in the interests of public safety that clause 4 should be enacted into law? To any one brought up in the traditions of English jurisprudence, any measure which contemplates the prolonged detention without trial of any person is repugnant. It is, to use the words of the Honourable the Law Member, a very hard pill to swallow. If over and above that detention is added a sentence of exile, as this measure contemplates, it becomes even still more difficult to swallow it. But the Honourable the Home Member has assured us that there is a terrorist movement of a most dangerous character which threatens to undermine the very foundations of the State; and if that is so, and there is no reason to doubt what he says, it is the duty of every Member of this House to vote for a measure of this kind, because after all the safety of the State is the ultimate law.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muham-madan Rural): You give him a bad name and then hang him: that is all.

Dr. F. X. DeSouza: But is it necessary in the interests of public safety to enact a measure depriving a detenu of the right to move for a writ of *habeas corpus* in the High Court? I venture to submit with the utmost humility that it is not so. On the contrary I submit that to pass a measure of this kind would be to endanger public safety. It will merely deprive the public of a safety valve. For after all, what is the danger to which the Government will expose themselves by allowing recourse to the writ of *habeas corpus* in a High Court? What power will the High Court exercise? It is not true, as my Honourable friend, Mr. Sarma, just said, that the High Court will be empowered to examine witnesses. It is not true that the names of witnesses will be divulged or the machinery of detention published which is employed by the Government to get information about terrorist crime. All that the High Court will be entitled to do, if I understand the section, is to send for the papers and find out whether the forms of procedure have been correctly followed or, whether the tribunal had jurisdiction; that is all. Beyond that, the High Court will be precluded from interfering to see whether there are sufficient reasons for the detention of the detenus, because that is not the matter which is justiciable under the Bengal Criminal Law Amendment Act.

Now, is there any danger in conferring a power of this kind on the High Court? Certainly not; on the contrary it seems to me that to deprive a prisoner of the right to apply for a writ of *habeas corpus* would be a source of danger. According to the English law it is only an outlaw or an alien enemy who is not entitled to obtain a writ of *habeas corpus*: that is the English law as laid down in *ex parte Weber*, 31 Times Law Reporter, 602. If that is so, is it necessary to pass what virtually amounts

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to a sentence of outlawry on a prisoner detained under the Bengal Criminal Law Amendment Act? I venture to submit that it is not so. If a safeguard is provided in the nature of a writ of this kind, it will not in any way weaken or endanger the position of the Government; it will add moral force to the policy of repression which the Government in their own defence and in defence of the State is obliged to pursue. It will prevent the alarm which will be unnecessarily created throughout the Empire when it is announced that it has been decided to suspend the *habeas corpus* in this country.

Sir, if the right to move for a writ of *habeas corpus* is taken away from the Bengal detenus in the manner proposed, the procedure will be very much on the lines of what used to be followed in France before the revolution by the issue of *Lettres de Cachet*. Honourable Members are aware what the effect of these *Lettres de Cachet* was. Readers of Dickin's "Tale of Two Cities" will remember how two French aristocrats of the highest honour did not scruple to resort to compass the ruin of a man against whom they had a grudge by obtaining *Lettres de Cachet* against him. They will also remember how the issue of *Lettres de Cachet* was the main cause of the *débâcle* in France of the 14th July 1789. Sir, history has a knack of repeating itself. Let us hope that similar causes will not produce similar results in this 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. President in the Chair.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): I have spoken so often on this Bill that I feel that I owe an explanation to the House if I rise to speak again. I find, Sir, that there is a lot of loose talk and loose thinking on the subject, and I consider it important that we should get our ideas quite clear. I quite realise that this is a question in which the legal aspects cannot be wholly dissociated from the political aspects, and that probably explains why there has been some misapprehension in the House. What I should like the House to keep in view is the precise scope of clause 4. Clause 4, it will be seen, purports merely to take away the rights under section 491 of the Criminal Procedure Code, whatever those rights are. It is obvious that if apart from section 491 there are other rights, those rights are not at all touched by this Bill. A good deal has been said, Sir, by some of my friends here that the right of *habeas corpus* is one of the "common law rights" which have come down to us from the Supreme Courts, and that it is not open to the Indian Legislature to derogate from those rights. For our present purposes I submit we need not go into that question at all, however interesting that might be. If *de hors* section 491 certain rights of *habeas corpus* are left to the subject in India, those rights will still be there notwithstanding the enactment of clause 4. It may be pointed out, however, in passing, that those rights of *habeas corpus*, assuming they exist, are not

as wide or extensive as those under section 491, because what has been referred to as common law rights of *habeas corpus* apply only within the limits of the original civil jurisdiction of the Presidency High Courts. The rights which section 491 give, on the other hand, are not limited to Presidency High Courts alone, nor are they operative only within their original jurisdiction. After the amendment of 1923, section 491 has been made applicable to all High Courts, and to the mofussil as well as to the Presidency towns proper.

Coming back, therefore, the position seems to me to be obvious that if apart from section 491, any other rights are there, we need not be under any apprehensions that those rights will be taken away by the present Bill. I am not unmindful that a different line of argument may be adopted, and it may be said that section 491, at any rate as it stood before the amendment of 1923, did not create any new rights, but merely affirmed certain rights which were there already: in other words that what was unwritten law was merely reduced to written law, so that if you repealed the written law, the unwritten law would still hold the field. Sir, if it is correct to say that written law came to take the place of unwritten law, I think it means that the unwritten law was thereby superseded, and a repeal of section 491 would therefore mean also a taking away of the rights which were declared by that section. I am not quite sure that it can be urged that merely because section 491 affirmed certain pre-existing rights, the enactment of that section meant nothing, and that if that section were repealed afterwards, it would make no difference and would in fact take away nothing. I do not think so. Sir, in any view it seems to me rather futile to argue that the Legislature which enacted section 491 has not the power to take away section 491. The Legislature is purporting to do no more than restrict certain rights which the Legislature had itself enacted. Sir, you know there is sub-section (3) of section 491, which expressly lays down that nothing in that section shall apply to persons detained under the State Prisoners Regulations. Now I do not think—I speak subject to correction—that any contention has yet been raised in any High Court that sub-section (3) of section 491 is *ultra vires* of the Indian Legislature. The argument, so far as I have been able to appreciate it from the reported cases, is simply this, that by enacting sub-section (3) you cannot detract from the common law rights of *habeas corpus*. That is all. But nowhere was it urged or held that, so far as the rights under section 491 are concerned, the Legislature cannot suspend those rights or restrict their scope or extent. If then it is competent to the Legislature to enact a provision like that, which you have in sub-section (3) of section 491, I do not see why it should not be equally open to the Legislature to enact another provision whereby the restriction is further extended by including within its scope another category of persons. Sir, from this point of view it seems to me to be idle to trouble ourselves on the question as to the competency of this House to pass legislation of the kind proposed. Nor would it serve any useful purpose to labour the other point of which so much has been made, that the rights of *habeas corpus* are fundamental rights of citizens which can on no account be interfered with. The practical question with which we are concerned, or at any rate ought to concern ourselves, is, not whether the Legislature is competent to enact clause 4, but what would be the effect of enacting it, and, in view of such effect, what should be the attitude of this House towards this amendment? The first point which I wish Honourable Members to notice is that clause

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4, if it is passed, would apply as much to persons who are detained within the province of Bengal as to those who may be removed outside Bengal.

The second point, Sir, which is of some importance is this. In practical application, this clause 4 would operate mainly in cases of arrest and detention under section 4 of the Local Act and not under section 2. The other day I took the opportunity of inviting the attention of the House to the distinction between section 2 and section 4 of the Bengal Act. The position under that Act is somewhat like this. A person against whom there is some suspicion is arrested. Then he is detained in custody by the police officer concerned, while the police officer makes a report to the Local Government and he awaits the instructions of the Local Government as to how the person should be ultimately dealt with. This temporary custody would ordinarily extend to about a fortnight, but under special orders of the Local Government it could be extended to one month. By the recent amendment of this Act, which was passed by the Bengal Legislative Council last month, this period of one month was extended to two months. Then, within this period, there may come an order under section 2, or there may not. If there is no order made under section 2, the man is set at liberty. If however an order is made, then he is dealt with in accordance with the directions which may be contained in such order. The directions which may be made under section 2 are many. The person concerned may be directed to report himself to the police, or to reside within certain circumscribed limits, or he may be detained in custody in jail.

Now, Sir, when an order is passed under section 2, remitting a person to custody, there is not much point in insisting on the right of *habeas corpus* in such a case, because, assuming for the moment that that right exists, whether under section 491 or otherwise, what does it mean? It means this. The person may apply to the High Court, and the High Court, if satisfied that the custody or detention was improper or illegal, may set him at liberty. In other words, it is only when an improper or illegal custody is established, that the High Court may make an order of release under section 491. Where, however, a person is detained in custody under an order passed under section 2 of the Bengal Act, the custody will no longer be illegal custody. The terms of that section make that perfectly clear. You may take it, Sir, that when an order is made under that section, that order will be expressed in terms of that section,—and what are the terms of that section? They are these: “where, in the opinion of the Local Government there are reasonable grounds for believing that any person has acted”, and so on.

Mr. President: Is the Honourable Member going again to deal with the point elaborately now? He dealt with the point exhaustively on the previous occasion.

Mr. C. C. Biswas: I shall not, Sir, go into details as on the last occasion. What I was simply trying to point out is this, that the opinion of the Local Government being conclusive, the question of the applicability of section 491 becomes practically of no material importance. If, however, you come to section 4, here the position is entirely different, because that section authorises a police officer to arrest *on mere suspicion*. It is mainly in such cases that the question of *habeas corpus* will arise. The question

before this House is whether or not the House should be prepared to trust the Executive to the extent that it will allow them to exercise these powers of arbitrary arrest on mere suspicion, without claiming at the same time the right to go up to the High Court for the purpose of challenging the supposed reasonable grounds for suspicion. That is the question to which I should like my Honourable friends to address themselves. Now, Sir, what is the “reasonable suspicion” which section 4 contemplates? It is a reasonable suspicion that the person concerned is a person in respect of whom an order might lawfully be made under sub-section (1) of section 2. Now, Sir, if you repeal section 491, as is proposed in this Bill, the effect of this will be to leave a person who may be arrested on suspicion absolutely without any remedy whatsoever except at the hands of the Executive, for a period of two months. Even if at the end of two months, the Local Government should come to the conclusion that there is no case against him and he is discharged, he would still have been in custody for two months without any remedy left to him in the meantime to establish his innocence. All that is asked for on this side of the House is that the person who may be arrested in such circumstances should have the right to apply to the High Court, and the High Court should have the opportunity of judging whether there are reasonable grounds for suspicion.

Sir, supposing section 491 is allowed, I do not think there is any danger that upon such an application the High Court will go into the merits of the question elaborately, as some of my friends on the other side seem to think. What the High Court would like to know is this: whether there were any facts and circumstances from which the officer concerned could reasonably come to the conclusion that there was sufficient excuse for proceeding against the person in the way he did. The High Court will not upon such an application, as I conceive the matter, try to substitute its own judgment as to what constitutes reasonable suspicion for that of the officer. But the High Court will certainly require to be satisfied that the officer had acted in good faith.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. No newspapers are allowed to be read.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): Sir, it was in connection with the Bengal Criminal Law Amendment Act that I was reading the newspaper.

Mr. President: That may be.

Mr. C. C. Biswas: I was saying, the High Court will require to be satisfied that the officer was justified from the facts and circumstances at his disposal in holding that there was a reasonable ground of suspicion against him. The High Court will not scrutinise those facts for itself, but merely see that there were facts from which the officer could come to that conclusion. Sir, if that be a correct interpretation of the functions of the High Court upon an application of that kind, I really do not see what danger may lie in allowing section 491 to operate.

Sir, since I last spoke on this subject, I have been looking into this question a little more closely, and I do not mind confessing that I was at one stage impressed with the argument that if an application under section 491 is allowed, it would really involve serious risks, in that it would mean that the Government would have to lay before the Court information

[Mr. C. C. Biswas.]

which they could not do without grave danger, grave danger not only to themselves but also to the witnesses concerned. But, Sir, the scope of an application under section 491 is so limited in a case arising under the Bengal Criminal Law Amendment Act, that I do not think too much should be made of that supposed danger. Just as in a case arising under section 2 all that the Government need produce before the High Court on an application under section 491 is the order itself, so in a case under section 4 all that they need do is to apprise the High Court of the existence of certain facts and circumstances from which the officer concerned came to the conclusion that there was reasonable ground for suspicion against that man. From this point of view I would urge my friends opposite not to press for the inclusion of this section in this Bill. I realise that that would mean a discrimination, so to say, between persons who are dealt with under the Bengal Criminal Law Amendment Act and persons who are detained under the State Prisoners Regulations, but that is hardly a very convincing argument. If you have taken away certain rights which you should not have taken away from some, that is no reason why you should seek to impose a similar disability upon other persons merely for the sake of symmetry. The situation no doubt is serious, and it is up to the non-official Members to do all that they can to strengthen the hands of the Government in dealing with the terrorist menace in Bengal. All the same, there is another aspect of the matter to be considered. Supposing the Government were to accede to the popular demand in this matter, that itself would produce an accession of feeling in their favour, the moral effect of which ought not to be ignored altogether.

On the other hand, if Government persist in the attitude which I am sorry to say they have been pursuing so long, the attitude of not giving in even on small points raised by the Opposition, the result is bound to be very unfortunate. The impression on the public mind would be that Government are out to crush all opposition, be it ever so reasonable. From that point of view, I think Government would be well advised in accepting this amendment. If after all, as the Honourable the Law Member said, where arrest is not made in accordance with law, it would still be open to the party concerned to apply to the High Court notwithstanding clause 4, the objection to delete clause 4 then loses much more of its force. With these words, I support the amendment.

The Honourable Sir Brojendra Mitter (Law Member): I am afraid the legal arguments have somewhat befogged the issue which is before the House. What is the issue before the House? On account of the terrorist movement in Bengal, the Bengal Legislature has been compelled to pass a very drastic measure, the Bengal Criminal Law Amendment Act. It is a drastic measure which involves detention without trial. It was an unfortunate necessity which compelled the Bengal Legislature to pass that Act. The House will remember that that Act was passed not by certification but by an overwhelming majority of the Bengal Legislative Council. Therefore we start with this proposition, that an urgent and impelling necessity exists in Bengal for a measure of this character, which, as my Honourable friend Dr. DeSouza pointed out, is repugnant to people brought up in ideas of British jurisprudence. I expressed a similar sentiment on previous occasions, but in different language. There is no quarrel about that. We start with this, that there is an impelling necessity to resort to detention without trial. Now, the Bengal Government

comes to us and says, "Will you help us in carrying out this measure?". If courts are allowed to examine the merits of these cases, then the effectiveness of the measure is gone. The Bengal Legislature cannot pass any measure affecting the jurisdiction of the High Court. Therefore it is up to us to come to the assistance of the Government of Bengal in order to make their measure an effective one. That is the issue before the House. The question is, shall we help Bengal or shall we not help Bengal. When the Bill was referred to the Select Committee, I take it that the implication was that the House was willing to help Bengal but also to take care that the condition of the detenus was not made too burdensome during detention. I understood the action of the House in referring the Bill to the Select Committee meant this, that the House was willing to help Bengal in the difficulty in which she finds herself to-day. If the House is to help Bengal, how can that be done? If, as I say, you allow courts to examine the merits of the cases of detention, then the efficacy of the Bengal measure is gone. What is necessary may be said in a few words, namely, substitution of executive judgment for judicial judgment. That is the purport of the Bengal Act and that is the purport of this Bill. Unfortunate exigency compels us to substitute for a temporary period executive judgment for judicial judgment. If that be so, it is necessary that the powers of the courts to examine the merits of a case should be suspended for the period of this measure. It is not a permanent measure, it is only for a temporary period.

Mr. S. C. Mitra: Already the Bill has been in existence for a period of five years and now it is extended for another five years. It is temporary in that sense.

The Honourable Sir Brojendra Mitter: If the terrorist movement continues longer, it may be necessary to continue the measure longer. But that is another matter. I think Honourable Members opposite share our hope that the terrorist movement will soon disappear. If it does, then there will be no occasion for discussions of this character. Unfortunately we cannot run away from the fact that the terrorist movement does exist and it has got to be stamped out.

Mr. S. C. Mitra: Not by these measures, but in different ways.

The Honourable Sir Brojendra Mitter: We think that this measure may help to fight the terrorist movement. It may be that my Honourable friend Mr. Mitra is right that other methods are called for. But what those other methods are, we are not discussing at the moment. We are now discussing one of the methods.

Mr. S. C. Mitra: But this method does not appeal to the House.

The Honourable Sir Brojendra Mitter: Well, it has not been thrown out on the motion for reference to Select Committee.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): That has not been done unfortunately.

The Honourable Sir Brojendra Mitter: Not having thrown out the motion for reference to Select Committee, it does not lie in the mouth

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of Honourable Members to say now that this is not a proper measure. Whether it is a proper measure or not, the House has accepted the principle of the Bill. Having done so, the point before the House is whether the objections raised to clause 4 of the Bill are so great that Government should give up the clause. What are the legal arguments? I will dispose of a misconception of my Honourable friend Dr. DeSouza before I come to the points raised by Mr. Lalchand Navalrai. Dr. DeSouza seems to think that "all that the High Court can do is to send for the records to see whether detention is legal". Now, it is well known that when an application is made for *habeas corpus*, the High Court does not send for the records. What the High Court does is to issue a rule upon the person who has custody of the prisoner to show cause why that prisoner should not be set at liberty or why that prisoner should not be brought to trial. All that the person who has the custody of the prisoner, in showing cause, has to do is to show that the prisoner is in legal custody. It is not that the High Court sends for the records of the case to look into the merits in the first instance. If the person in custody cannot satisfy the High Court that the prisoner is in legal custody, it is only in that case the High Court goes further into the matter. But once it is shown that the prisoner is in legal custody, then the High Court has no further jurisdiction. The jurisdiction which section 491 gives to the High Court is only in cases where the custody is illegal and not in cases of legal custody. Therefore, it is not a question of the High Court sending for the records

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Then, why include it in the Bill?

The Honourable Sir Brojendra Mitter: I shall not overlook any point. I shall deal with it presently. My first point is this that in the first instance, the High Court does not look into the reasonableness or otherwise of the detention. Nothing of the kind. The first thing is whether the detention is under any law or whether it is an illegal detention.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Then, if you are accepting it, why include this clause 4 in the Bill?

The Honourable Sir Brojendra Mitter: If that be so, what are the powers of the High Court? I am thankful to my Honourable friend Mr. Biswas for anticipating much of my argument. If an order is once passed under section 2 of the Bengal Act, then the jurisdiction of the High Court is gone, section 491, or the prerogative writ of *habeas corpus* or what not notwithstanding.

Mr. Lalchand Navalrai: What about improper detention?

The Honourable Sir Brojendra Mitter: I shall deal with all the points. The first argument of Mr. Lalchand Navalrai is that, apart from the powers given by section 491, the High Court has inherited the English common law powers of the Judges of the King's Bench Division, which powers were exercised by the Supreme Courts. This very question was raised in a recent case in Calcutta, and the Calcutta High Court held that, apart from section 491, the High Court has got no such power. And even

assuming that the High Courts had some such power it can only be the High Courts of Calcutta, Bombay and Madras and not the other High Courts, that is to say, only those High Courts which are the successors of the Supreme Courts. Now, so far as Calcutta is concerned, we know the Calcutta High Court has held that, apart from section 491, there is no other power. This prerogative right of *habeas corpus* does not exist in the province of Bengal at any rate. We are dealing with Bengal detenus. So long as the detenus are in Bengal, they cannot invoke any power except under section 491; they cannot invoke the prerogative right. Then supposing the Bengal detenus are transferred to another province, not in the town of Bombay or in the town of Madras. Then in any such place of transfer there is no prerogative right. All the power is contained in section 491. There is no prerogative right in Ajmer, no prerogative right anywhere else, except in the town of Bombay and the town of Madras according to the present decisions. There is no suggestion now of transferring these Bengal detenus to the town of Bombay or the town of Madras. Therefore it is more or less an academic question. But if any Honourable Member says that, assuming the Government take it into their head to transfer some of the detenus to the town of Bombay or the town of Madras, what then? To that my short answer is this, that if the prerogative right does run it will run. We are not taking away any power which any High Court may have got from any other source except section 491. Those powers are not at all affected. Therefore why quarrel about it? We are now concerned only with the powers given by section 491. Therefore all the talk about powers outside section 491, which are not affected by this Bill, need not detain us any longer. So, Sir, with regard to that prerogative right argument, I will not take any more time.

Now let us see section 491. As Mr. Biswas pointed out,—and in my submission quite correctly pointed out—if an order be made under section 2 of the Bengal Act, then section 491 has no application because, there the opinion of the executive Government is conclusive. If the detention is justified by the opinion of the executive Government, the High Court has no jurisdiction to interfere. Then that goes. What is left is the period of arrest before an order of the executive Government is passed. It is only for that short period,—be it 10 days or 15 days, the maximum is two months, if the powers under section 491 be not suspended the detenus may, after arrest and before an order of the executive Government is passed, go to the High Court. Now, look at the practical side of it. If the policy of the measure be to substitute executive judgment for judicial judgment, then allowing judicial authority to override executive judgment would be defeating the policy of this Bill, the policy of the Bengal Act. Therefore, from the view of policy, Government cannot agree to substitute judicial judgment for executive judgment. In the limited case of arrest before the order of the executive Government is passed, once the order of the executive Government is passed section 491 automatically goes. Therefore it is only when a man is in police custody but the order of the Government has not been made during that short period, he may go to the High Court for relief under section 491. For what purpose? For the purpose of determining whether his arrest has been on reasonable suspicion or arbitrary. For that purpose only section 491 would be effective.

Now look at the risk. Mr. Biswas says there is no risk in that. He says all you need do is to place the facts and circumstances before the

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High Court which may support the arrest on the ground that it is an arrest on reasonable suspicion. But, Sir, Mr. Biswas ought to know that placing facts and circumstances requires that you must also disclose the sources of your information. An affidavit giving information is worthless unless you give the source of your information; and I will recall to Mr. Biswas the judgment of Sir Lawrence Jenkins on that point. Therefore, when Mr. Biswas light-heartedly said that all that the executive need do was to place facts and circumstances before the court, he forgot that it meant disclosure of your whole case, disclosure of the sources of your information, disclosure of the names of your witnesses. The very mischief which we are trying to avoid is done. Sir, to put it shortly, in the case of detention, the High Court cannot interfere; in the case of arrest before an order is made the High Court may interfere. But in such case of interference all the mischief which we are trying to avoid will inevitably happen. Therefore, from the point of view of policy, it is impossible for the Government to accede to the amendment, unless we are prepared not to assist the Government of Bengal in adopting measures which they consider necessary in fighting the terrorist movement. If this House genuinely wishes to help Bengal in stamping out terrorism, then I submit that we ought to make their measure an effective measure and not nullify it.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): Have any of these detenus been proved to be connected with terrorist activities?

The Honourable Sir Brojendra Mitter: They have been proved to the satisfaction of the executive Government; they have not been proved to the satisfaction of a court of law because their detention is without trial.

Mr. S. C. Mitra: Have not the Government said repeatedly that this is not a penal measure but a preventive measure and that there is no sufficient proof against the detenus?

The Honourable Sir Brojendra Mitter: That is quite true. It is intended to be a preventive measure and is not intended to be punitive. All that is intended is this that when the executive Government, upon information in their possession, think that certain people are connected with the terrorist movement they should not be allowed to remain at liberty, in the best interests of the State. Honourable Members may agree or may not agree as to any particular case. But the executive Government, who are charged with the responsibility of seeing that the State is not exposed to terrorist outrages, have to satisfy themselves that the particular person is connected with the terrorist movement; and it is only in such a case that an order of detention is made. As to whether in any particular instance power has been abused or not, there may be difference of opinion. But what I say is this. The policy of these extraordinary measures is that the executive Government, upon information which they cannot disclose, must satisfy themselves that persons whose liberty is sought to be restrained, in the larger interests of the State, are connected with the terrorist movement and, once detained, they should not be brought to trial, for reasons which on the last occasion I submitted to the House.

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

My Honourable and learned friend, Mr. Navalrai's next argument was that section 491(3) was *ultra vires*. I may remind my Honourable friend that in 1925 the Bengal Criminal Law Supplementary Act was passed to supplement the Bengal Act of 1925. In that Act there was a clause identical with clause 4 of the present Bill. That law was in existence from 1925 for five years. During these five years hundreds of people were arrested and detained without trial. Did any one of them raise a question that 491(3) which was reproduced in the supplementary Act of 1925 was *ultra vires*?

Mr. Lalchand Navalrai: Is that a bar to raising it now?

The Honourable Sir Brojendra Mitter: No. In 54 Calcutta, the effect of section 491 was gone into in great detail; and it was never suggested by any lawyer—and there are astute lawyers in Calcutta as there are in Sind—no one ever thought of raising the contention that 491(3) was *ultra vires*.

Mr. Lalchand Navalrai: Especially as the Honourable Member was appearing on the other side!

The Honourable Sir Brojendra Mitter: There are many good lawyers there; Mr. Biswas would have been the first to raise it if there was anything in it. Apart from that whether section 491(3) is *ultra vires* or *intra vires*, is it for this House to declare

Diwan Bahadur A. Ramaswami Mudaliar: Am I to understand that there was a section similar to clause 4 in the Criminal Law Amendment Act which the Central Legislature passed in 1925?

An Honourable Member: This House rejected it and the Council of State passed it.

The Honourable Sir Brojendra Mitter: It was certified.

Diwan Bahadur A. Ramaswami Mudaliar: This House refused it.

The Honourable Sir Brojendra Mitter: All I meant to say was that such an Act was in force; and although it was in force for five years, this point was never raised by any lawyer to my knowledge. . . .

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam: Non-Muhammadan Rural): How many of these detenus are rich enough to go to a court of law?

The Honourable Sir Brojendra Mitter: In the case of these detenus, wealth is no consideration because there are many enterprising lawyers who take up these cases without any fee. I need not detain the House much longer on this *ultra vires* argument. What I say is this; whether it is *ultra vires* or *intra vires* is for the court to pronounce; it is not for the Legislature to pronounce. All that the Legislature needs to consider is this, that section 491(3) was enacted in 1923 by the Central Legislature—I do not think it was certified: it was repeated in 1925 in the supplementary Act of 1925, and that is all that is sought to be done now. It

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is nothing new; if it was *ultra vires*, it had the sanction of the Central Legislature and has been on the Statute-book since 1923. It was passed by the Central Legislature. . . .

An Honourable Member: By the Council of State, I think?

The Honourable Sir Brojendra Mitter: As a Member of the Council of State I should say that the Council of State is as much a part of the Central Legislature as this House is. . . .

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): That is just it. . .

An Honourable Member: Why have you got a nominated President there?

The Honourable Sir Brojendra Mitter: Change the constitution; but at the present moment that argument has no validity.

There is only one other point with which I shall deal. If section 491 is not suspended, what would be the effect? I have submitted already that to a certain extent we shall be making the special instrument which the Bengal Act provides ineffective by compelling the executive to disclose the names of witnesses and the methods by which terrorism is being fought. It is that risk which we seek to avoid. Under section 491, what can the High Court do? Under (1)(a) of that section, the High Court can order that the prisoner be brought up before the Court to be dealt with according to law; that is to say that the prisoner be brought up for trial. Now, since the whole idea is detention without trial, that power would certainly be inconsistent with the policy of the Bill. The next is that the person in custody be set at liberty. That again would be absolutely inconsistent with the whole policy of the Bill. The Bill is a measure to restrict liberty and not to set a person at liberty. The third is that the person be brought before the Court to be examined as a witness. On that I gave an assurance on the last occasion that if such a contingency arises, if the High Court wants a particular detenu to be examined before it, the Government will not stand in the way. . . .

Mr. Lalchand Navalrai: Does it mean or not that the High Court kneels before the executive there?

The Honourable Sir Brojendra Mitter: The rest of section 491 deals with trial in one court or another. Therefore it comes to this: to admit the operation of section 491, would be to nullify *pro tanto* the effectiveness of the measure which the Bengal Government have passed and which the Bengal Government want us to supplement. The policy of this particular legislation, which is an unfortunate necessity, demands that the operation of section 491 should be suspended for the temporary period for which this measure has been passed. In this view of the case, I am afraid the Government cannot agree to letting in section 491 for the limited purpose of examining the cases of persons under arrest before the order of the executive Government has been passed. To admit the operation of section 491 in such cases would be really to destroy the effectiveness of the whole of this exceptional measure.

Mr. K. Ahmed: Sir, the amendment before the House is that clause 4 be omitted from the Bengal Criminal Law Amendment (Supplementary) Bill of 1930. It runs, as the proposer has said, like this, that clause 4 be omitted and clause 5 be re-numbered as clause 4. But, Sir, anticipating a defeat, he wants to move his next amendment, which says that clause 4 be omitted and that this clause shall remain in force for one year only. Mr. Chairman, when the Bill was on the Legislative anvil after the first stage, I interjected and pointed out to you that though this House referred the Bill to a Select Committee, it came back from the Committee even without the alteration of a comma or a fullstop, and the Bill was not altered in any way. Now, the measure has come back from the Select Committee which was composed of eminent jurists like my friend Sir Hari Singh Gour and Mr. Raju, even without a scratch, the Bill as it was originally drafted has been kept on, and it has come before us at the second stage. After that preliminary stage, it was passed by the unanimous voice of this House that it should be referred to the Committee and this Bill is now being taken into consideration and we find certain amendments. The question is whether at this stage these amendments are worthy of being considered by this House. I am afraid, Sir, unless the other side wants to give the impression of being less intelligent, unless the other side have forgotten their sense of duty as Members of this Assembly, this House cannot possibly put up with that sort of non-sense any further. ("Hear, hear" from the Nationalist Benches.) I hope, Sir, Honourable Members will allow me to place my viewpoint before the House. If Members are interfering with my common right of speech, they will be losing their own prestige. Allow me, therefore, to say that when the question of propriety, when the question of validity or invalidity of certain amendment crops up, it is for this House to listen very carefully to what each Member says and consider the whole question seriously and decide the matter once for all. I shall not say anything more on this.

Mr. Chairman, as you know, at the preliminary stage my friend, Mr. Raju, who is a great lawyer from Madras, said that this clause affecting the liberty of the people should be omitted and, that the liberty of the people should not be curtailed as it is against the spirit of law. Now, Sir, the law should be accurate. I challenge anybody here to say if Government are not right in suggesting a clause like this, which has the same effect or the same sum and substance as section 491 of the Indian Penal Code, which was amended in 1923 when, in spite of this writ of *habeas corpus*, it was extended to the Presidencies of Calcutta, Bombay and Madras, in fact it was extended to all parts of India, even to a place like Ajmer; that was the amendment in the year 1925 passed on the floor of the House. Now, the question how that clause 4, which is the sum and substance of section 491 of the Criminal Procedure Code, remains in this piece of legislation. The Government think, as the Honourable the Law Member has said, that on account of the terrorist movement in the country, they should take legal action to crush the movement and restore normal conditions. That is the essence, that is the object for which this piece of legislation has been brought forward. Mr. Chairman, when you were speaking at the preliminary stage, our party people, some of them very intelligent men, were quite right in asking how the sum and substance of section 491 can be brought by means of section 4 into this Bill, and that it ought to be omitted, and you yourself said that it was against the objects and reasons. You told me you had read the same of the original Bill.

[Mr. K. Ahmed.]

Sir, the objects and reasons of this Bill are clearly set out. I shall read to the House, as I interjected on the first day of the introduction, the Statement of Objects and Reasons as it then stood:

"Clause 4 of the Bill on the analogy of section 491 (3) of the Criminal Procedure Code, 1898, bars jurisdiction under the powers conferred by that section."

Therefore, the Government have clearly set out the objects and reasons for this measure; that is to say, they want to remove from the Presidency jails of Calcutta, detenus to any other adjoining provinces, and they want to take power for this purpose in spite of section 491. That is to say, Government want to bring under the clutches of the law the terrorist and the terrorist movement. Now, I am not responsible for this piece of legislation. It has been brought here by the executive who had information from the Government of Bengal that they wanted to crush this movement. I know nothing about these terrorists. It is not in my sphere. They are shooting people and killing people and if that happens how can you blame the Government. Do you want that there should be no law and order? That is the reason why the Bill contains clause 4. Unless you give powers to the police or the executive, how you are going to handle these terrorists who will not allow a witness to go to the witness box. (An Honourable Member: "What do you say?") I want to know what the Honourable Members on the other side think about it. Let them discharge their duty and my duty will come next. The Bill in its essence is quite right, and I am here to see that this piece of legislation is passed in this Assembly. The question is how are you going to assist the police and the executive who will arrest and detain these people. Now, in England, the law is the same for everybody whether he is a street beggar or a merchant prince or a Member of Parliament. He has got the right enunciated by my friend from Karachi. There is a recent case decided about three or four days ago. It appeared in the *Statesman* or the *Englishman* or the *Hindustan Times*. There was a young lady who was taken into custody. She applied to the High Court for an inquiry under section 491 of the Criminal Procedure Code questioning the conduct of the police in detaining her and she wanted her liberty because no human being can be kept within the jail precincts without trial.

Now, Sir, this motion will probably be defeated and the Mover has another amendment restricting the operation of the clause for one year only. As the Law Member said if the revolutionary spirit is crushed, then this clause will not be necessary. As the High Court of Calcutta recently held, section 491 will have no application against the executive or the police in cases where persons are detained without trial. Now, Sir, you know that section 4 of the Criminal Amendment Act of 1925 says:

"The power of the Local Government under sub-section (1) of section 11 of the local Act to direct by order in writing shall be deemed to include a power to order in writing made with the previous sanction of the Governor General in Council and such person shall be committed to custody in any jail in British India and for all or any of the purposes of the local Act, the orders so made shall be deemed to be an order made under section 11 of that Act and the provisions of that Act shall apply accordingly."

Exactly, Sir, the Bengal Government is authorised by that Act to detain any persons and section 491 will have no application; exactly, Sir, the Judges of the High Court only a couple or three days ago passed that

order that section 491, that is, the writ of *Habeas Corpus*, will not lie against the executive in detaining these persons. My friend, Dr. De Souza, forgot for a moment the Statement of Objects and Reasons of this Bill, but came forward as a benefactor and put forward the plea that, well, under the common law in Bombay and Madras—he cited 50 Bombay at page 616—well, there was a time when 50 Bom. applied; probably my Honourable friend was then one of the Judges, or probably a practitioner or probably one of the Sessions Judges and as such he might have been reading the ruling of the High Court, but may I ask him what was the state of things then when I. L. R. 50 Bombay 616 was published and a copy thereof was sent to my Honourable friend for his edification and experience in the matter? What was the state of things? Was it the same as it is to-day in Bombay or in Calcutta? Was there any application? Could not the Judges of the Calcutta High Court read that ruling? Did not the advocate acting on behalf of an applicant, who wanted a writ of *Habeas Corpus* under section 491 of the Criminal Procedure Code, against the jailor of Alipore jail, Calcutta, present an application that the person on behalf of the applicant should be produced before the Judges within such and such a time in order that evidence might be recorded or, that in the alternative, she might be tried according to law? Certainly, Sir, the case quoted by my friend, Dr. DeSouza, has no application to or bearing on the subject, under discussion. That being so, I cannot help thinking that my Honourable friend, Dr. DeSouza, made a hopeless mistake in applying I. L. R. 50 Bom. at page 616.

I am waiting to hear what my friends of the Independent Party are thinking about the question, namely, whether the Government is or is not in a position to bring into the present Bill clause 4. Sir, my friend, Mr. Sitaramaraju has submitted a note of dissent and has therein stated that section 491 is a section which could not be included in the Bill.

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

Sir, my friend is not a lawyer, and he wants to know how that section 491 in clause 4 of the Bill will be included in the main Bill. To-day we find, Sir, that the Bill was perfectly right and to-day the amendment is a moot question. I do not know whether it will be passed or not passed. I do not mind which way they decide it, but as far as the validity of the question is concerned, the Government are perfectly right in bringing in that clause 4, because they want to protect their police officers and the executive in order that 491 may not apply against the executive deterring the persons in question from certain crimes in the province. Sir, if that is correct, I suppose I do not like to go any further than that, because if it is the decision of the Assembly then, they will decide the matter; and as far as I am concerned, I have gone so far and I do not like to go any further, except that if the Government would be right in crushing the terrorist movement by bringing this piece of legislation, so that section 491 of the Code of Criminal Procedure will have no application in order that sufficient help should be given to the executive to detain these persons, so that they may not terrorise the people at large, I suppose the Government are on the unpopular side on account of that, because my friends on the opposite side may be thinking that the foundation stone of freedom in the country as enunciated by the British Law in England is

[Mr. K. Ahmed.]

being taken away, but why? It should not be forgotten what are the circumstances to-day. There are people terrorizing the people at large, killing brave and meritorious and devoted and faithful servants the members of the I. C. S., killing the police, killing the peaceful and law-abiding people in order that something in their mind may come true, in order that they may have the moon at once. Sir, if that is the object, if that is the objective, then it is a good sign for these poor lads to realize that they after all are not so tall as to raise their little fingers and become independent in the twinkling of an eye. If then the Hindu Mahasabha thinks that they will thus have the monopoly over all India, they are mistaken. As far as I am concerned, of course to err is human, I do not think it right to go far as is proposed here, but I am asking this, that if that is not possible

Bhai Parma Nand (Ambala Division: Non-Muhammadan): Why do you not mention the Muslim League also?

Mr. K. Ahmed: Sir, that is not a League which wants suzerainty over all India like the Hindu Mahasabha

Mr. President: Please restrict yourself to the subject before the House.

Mr. K. Ahmed: I know this is quite relevant, as is also the reference of my Honourable friend. I am simply referring to the objects with which the terrorist movement has come into being, and those are the very reasons why the Government have brought forward this piece of legislation in order to crush out the terrorist movement. It is for the Assembly to consider whether it will pass the motion or not, but, Sir, as regards the propriety of the course of action of the Government, I think they are justified in bringing forward this Bill, and I should be delighted to hear the Leader of the Opposition or the Deputy Leader at least in reply to the points I have raised in my speech.

Mr. S. C. Mitra: Sir, I had no mind to take part in the discussion of this amendment because I thought, as the Honourable the Law Member said, it dealt merely with legal matters, and from the legal side my friend, Mr. C. C. Biswas, has dealt with the question very elaborately; but yet, when the Honourable the Law Member himself went out of his way and placed it on a political issue, I must say something. In a constitutional Government there are three well-defined functions, viz., the executive, the judiciary and the Legislature and all the three should be well balanced, and that the appropriate functions of any one should not be predominated by another. I think even in our college days we read of this. Now, the executive in this Government has succeeded in crushing the Legislature entirely. They are ruling this country by means of Ordinances and certification. They are now making an attempt even to crush the judiciary. The High courts have the power to supervise the actions of the subordinate judiciary and to see that the

liberty of the people is not endangered without proper trial. I think in the American constitution there is provision that the head of the judiciary presides over the Senate when there is a trial for impeachment of the President. Sir, in all the civilised countries the constitution provides to keep the three component parts of the Government within their limits, but unfortunately in India the executive is all in all. Fortunately, the Honourable the Law Member has made that point quite clear; he wants to take away all the powers of the judiciary. Let them say that there is war in the country and therefore they are ruling the country under martial law. Why should the Honourable the Law Member go out of his way and apologise that it is a temporary measure? They have tried these temporary measures now for the last 7 years and they are now going to try one for another 5 years, and yet they call it a temporary measure. I wish however to make it quite clear again that I am not against your taking any steps to root out terrorism from this country. But my contention is that by these means you cannot root out terrorism. It is not right that you should call innocent people "inveterate terrorists". It was the Leader of the House who was referring the other day to my Honourable friend Mr. Ghuznavi as taking advantage of the privilege of the House. Sir, the Honourable the Home Member himself is taking this undue advantage, because I challenge him to call any of these detenus inveterate terrorists out of this House, and I shall see how soon he can go to his Scottish home without being placed before a court of law for libelling innocent persons. Sir, it is very easy to call a man an inveterate terrorist and mislead this House in order to get passed certain laws to eradicate the national spirit from the land. Sir, even the Law Member said that there is some risk in putting the detenus before courts of law. What is the risk? You can have the trials in camera. There were big cases of conspiracy for waging war, etc., in Chittagong and other similar cases which were all regularly tried and ended in punishment. Yet we often hear the old argument that if there is an open trial there is a danger to the witnesses and other people. My main contention is that the Government can devise any means it likes to eradicate the evil of terrorism but the method they have adopted is a wrong method. These measures will not really help Government to root out terrorism from this land.

Sir, Indian people have the greatest confidence in British justice. Even that is being shaken now and thereby the very foundation of the British Empire is being shaken. His Excellency the Viceroy is a mere constitutional Governor General and he is simply dittoing what is pressed by the Honourable Sir James Crerar and Mr. Emerson. It is this unthinking Executive that is actually undermining the foundations of the British Empire. Sir, up to this time, people had great confidence in British justice; even the detenus, excluding the very poor people, could run to the High Court with some hope and confidence. But I cannot understand the mentality of the Executive. They wish to have all the powers to themselves destroying the Judiciary and the Legislature as if they are the only intelligent people in the whole of India. They want to crush the Legislature which is now a helpless body. They are also attempting to crush Judiciary.

My friend, the Deputy Leader of my Party, was referring me to certain passages in the *Hindu* about this very question of *habeas corpus* in the

[Mr. S. C. Mitra.]

Calcutta High Court. But I do not wish to go into the legal side of the question. From the constitutional standpoint, I say that you should not interfere with the Legislature or the Judiciary. As regards the amendment under discussion, I made it quite clear even when Mr. Sykes moved his amendment that Government are now trying to take the detenus out of the jurisdiction of the chartered High Courts. The Judiciary in these places has not the plenary and inherent powers of the chartered High Courts to restore the detenus to liberty even when they are imprisoned illegally. So the powers of the High Courts under Section 491 should not be interfered with.

Sardar Sant Singh (West Punjab: Sikh): Sir, after listening to the debate on clause 4 of the Bill, one is tempted to say something, especially after the speech which has been made by my Honourable friend Mr. K. Ahmed. He is a lawyer of the Calcutta High Court. (Mr. K. Ahmed questioned the pronunciation of the word "lawyer".) All right, I will call him a Barrister. He tried to support the Honourable the Law Member in a way which should call forth from the latter the remark "God save me from my friends". As a matter of fact, he has spoken as if he was a part of the police force. He was speaking with the authority of a constable who is dealing with a person whom he suspects to have committed an offence. My friend Mr. K. Ahmed in fact has pleaded that because the executive wants the power, the power should be given to them. If we are here to give the power to the executive simply because they ask for it, then the sooner we disperse the better for all concerned. Sir, we are here to see that the executive do not get more powers than ought to be given them in any civilised administration. That is the main object of our coming here. We are here to keep a vigilant eye over the executive. If they try to trespass upon the jurisdiction of the civil tribunals, it becomes our business, nay, our duty, to tell them: "Thus far and no further". We are of course here to strengthen their hands in eradicating any evil that props up its head in the country, but such a power must necessarily be of a temporary and emergent nature. Now, Sir, the terrorist movement came into existence some time in the early days of the partition agitation in Bengal. Since then, the Executive have been grasping at power after power ostensibly for the purpose of crushing this movement but so far it has not succeeded in doing so. Take, for instance, this Bengal Criminal Law Amendment Act, the supplementary of which we are discussing today. We know that this Act was first passed, rather certified, by the executive of the Bengal Government in 1925. It is seven years now, and the Government have not succeeded in crushing this movement. Rather what at present they say is, "In Bengal we have not been able to crush this movement for seven years, we now want to send them outside Bengal". If in seven years, they have not been able to crush this movement, is it not high time to revise their policy? Is it not reasonable to ask them, Sir, to think twice before we enlarge the further powers of Government in this respect? They are acting in the manner that the despots of old acted. People suffered from a grievance, which found expression in several ways. Instead of taking steps to remove the cause of grievance, persons giving expression to the grievance were persecuted and prosecuted, which resulted in further intensifying the discontent. The result was that in

course of time both the despot and the Empire were swallowed up by that grievance. Similar is the phenomenon that is being seen today in India. For over a quarter of a century, from 1906 onwards, we have been trying to crush the revolutionary movement by methods which have been taken objection to by all serious minded people and by those people who whole-heartedly co-operated with the Executive in crushing that movement. The Government have failed to listen to them. The Executive went on in their mad career of getting more power and more power and still more power. If that power did not succeed, why not give a chance to the other side, why not listen to their advice and try to remove the cause which has given rise to this terrorist movement? The Government are not doing that. Even now we find in the settlement of the constitutional issue, the agents of the Government are raising side issues, some safeguards, some provisions, some 'ifs' and some 'buts' always with a view to postponing the settlement. The real grievance of the people is that they are not granted liberty in their own country, that they are not allowed to develop in their own manner. That is the real grievance. Instead of meeting the real grievance, instead of removing the real grievance, the Executive come forward and say "Look here, Sardar Sant Singh does not remain quiet, let us now send him to jail without trial". They may succeed in sending Sardar Sant Singh to jail without trial, but they are raising a resentment and bitterness in the minds of the relations of Sant Singh that is bound to recoil on their own heads later on. This is not the way of dealing with the situation. What is the latest method? The latest method is embodied in clause 4, and that is that the writ of *habeas corpus* should no longer be available to the persons detained under the Bengal Criminal Law Amendment Act. There seems to be some confusion as to the importance of the writ of *habeas corpus* in maintaining the rule of law in the country. What is the writ of *habeas corpus*? It is a redress, a relief against the illegality committed by the executive. The law is there; the law gives certain powers and defines these powers within the words of a section. The law arms you with certain power; if you use that power according to the law, the writ of *habeas corpus* cannot harm you. If, on the contrary, you abuse the letter of the law, or pretend to use the law against the liberty of any individual, at once the aggrieved party goes to the High Court, makes an application for a writ of *habeas corpus* to issue, and the High Court examines whether the actions of the Executive are within the law or without the law. It is a matter of history how many persons have been detained in jails and in lunatic asylums on the alleged ground that they were criminals and lunatics, how many of them were released later on by the High Courts on finding that this lunacy was not real, but it was only a pretence for detaining a man on account of jealousy or enmity of his enemies. How many times has not the High Court set aside the orders of the executive on the ground that they were illegal. If history abounds in such instances, where the High Court has found their attitude to be illegal, is it, Sir, unfair to suppose that the executive commits illegal acts? What is the check on the high-handedness of the executive? What legal sanction do you give to the people for the protection of their liberties? The only thing that is available for the redress of their grievances is the writ of *habeas corpus*. Its suspension can only be justified by the gravest emergency. Either we, on this side of the House, do not understand the meaning of the word "emergency" or the meaning of this word "emergency" has been widened to such an extent by the executive in India

[Sardar Sant Singh.]

that it has lost its real significance. The term "emergency" has been utilised as a pretence for grasping more power by the executive. Similarly here you appeal in the name of emergency. But may I ask how long is this emergency going to last? From 1925 up till now this emergency has lasted, and yet you are not satisfied

Mr. President: The Honourable Member should address the Chair. He is now addressing the Members on the opposite Benches.

Sardar Sant Singh: I beg your pardon, Sir. How long is this emergency going to last, Sir, I ask the Honourable Members sitting on the Government Benches. This state of affairs has lasted for seven years now and during these seven years, the Government have not been able to get rid of this terrorist movement. Now, the Government are not in a position to give us any indication as to when they are going to end this emergency. If it has come to stay, as the Honourable the Law Member was constrained to admit, this will go on till the terrorist movement is crushed. In that case, my submission is that it becomes all the more our duty to oppose this measure. We oppose the executive for they are not adopting a course which is in the best interests of the country, or even in their own interests. The Honourable the Home Member may leave the shores of India one of these days, but he will be leaving behind a heritage of bitterness and resentment. He would have created a sense of vindictiveness and a sense of revenge in the people which will not be useful and which will not be in the best interests of the country or of the administrators. Therefore, my submission is that before they should proceed with clause 4, and before they persist in keeping this clause in the Bill, they should think twice whether they are furthering their own interests. Herein comes again the question whether the point that the Select Committee did not make any change in the Bill should furnish them with an argument that this House stands committed to the principle of the Bill. This is an argument, Sir, which has no force at all. It is unfortunate that the Select Committee should not have gauged the volume of opposition in the House. The very fact that this Bill has been debated for over four or five days goes to show that this side of the House is very much opposed to the principle underlying the Bill. The only thing which this House now insists upon is that protection should be given to the detenus by way of moving the High Court in cases where wrong persons or innocent persons have been detained without even following the procedure laid down in the Bill itself. It is a very ordinary and simple method by which the executive on the other side can please the Opposition by conceding this much to the Opposition. Therefore I will appeal once more both to the Honourable the Home Member and to the Honourable the Law Member to reconsider their position and see if they cannot bring themselves to accede to the amendment for the omission of clause 4.

Several Honourable Members: The question may now be put.

Mr. President: The question is that the question be now put.

The motion was adopted.

The Honourable Sir James Crerar (Home Member): Mr. President, I have already addressed the House so many times, not only with regard to the general provisions of this Bill but with regard to the specific issues which arise on this particular clause, that I think it is quite unnecessary for me to indulge in reiteration. It is less necessary since the issues that have been raised on the debate upon this clause have been predominantly of a technical legal character. Apart from the fact that it is not my particular province to deal with technical points of jurisprudence, they have been so completely dealt with by my Honourable colleague the Law Member so fully elucidated by other Honourable and learned gentlemen present, that I do not propose to deal with them. I propose to touch only very briefly on two points of what I may call the executive aspect of the question. It has been pointed out by my Honourable colleague the Law Member that the most important respect in which this amendment would impinge upon the Bill and the Act which it seeks to supplement is in respect of section 4 of the local Act, that is to say, the Bengal Criminal Law Amendment Act, which gives the police powers to detain up to a limit of 15 days, and which gives the Local Government power to order further detention pending the issue of an order under section 2. Now, the point I wish to make is this, that the provision in the local Act is in practice a provision of the most vital importance. The main purpose of the Act being indeed preventive and not punitive,—as was pointed out by the Law Member,—one of the most important directions in which prevention ought to be obtained is the prevention of an immediately impending terrorist outrage. And what has happened over and over again is this, that the police have obtained intimation from sources of a secret character of such an intention. The prompt arrest of two or three of the persons on that reasonable suspicion, which is referred to in the Act, has made it possible on more occasions than one to prevent the occurrence of such an outrage. It is also of very great importance indeed in dealing in a preventive manner—apart from the actual commission of an impending or known to be impending outrage—with the newly growing terrorist organisations or branches of existing terrorist organisations. What I wish to make clear to the House is that what I am now urging upon them is not a theoretical point but a practical one. It is a point which by experience has been found to be one of the greatest importance in practice if this local Act is to be given effect to properly; and it is for that reason,—regarding it purely from the practical point of view—that we are unable to accept the amendment to exclude this clause. I desire finally to point out that since the local Legislature and the Local Government have asked us to assist them in giving effect to this Act, this is one of the most important points involved and it is with regard to this particular point that I am particularly desirous that the House should discharge what I regard to be its duty and its responsibility, by enabling the Local Government to exercise effectively the powers under their own local Act.

Sir, I oppose the amendment.

Mr. President: The question is:

"That clause 4 be omitted and clause 5 be renumbered as clause 4."

The Assembly divided:

AYES—33.

Abdur Rahim, Sir.
Azhar Ali, Mr. Muhammad.
Bagla, Lala Rameshwar Prasad.
Bhuput Singh, Mr.
Biswas, Mr. C. C.
Das, Mr. B.
Gunjal, Mr. N. R.
Hari Raj Swarup, Lala.
Jadhav, Mr. B. V.
Jehangir, Sir Cowasji.
Jog, Mr. S. G.
Joshi, Mr. N. M.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Liladhar Chaudhury, Seth.
Maswood Ahmad, Mr. M.
Mitra, Mr. S. C.

Mudaliar, Diwan Bahadur A. Rama-
swami.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Neogy, Mr. K. C.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Ranga Iyer, Mr. C. S.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Diwan Bahadur Harbilas.
Sen, Mr. S. C.
Shafee Daoodi, Maulvi Muhammad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Thampan, Mr. K. P.
Uppi Saheb Bahadur, Mr.

NOES—53.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. G. S.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Bhargava, Rai Bahadur Pandit T. N.
Bhore, The Honourable Sir Joseph.
Clow, Mr. A. G.
Cosgrave, Mr. W. A.
Crerar, The Honourable Sir James.
Dalal, Dr. R. D.
Dumasia, Mr. N. M.
Fazal Haq Piracha, Shaikh.
Fox, Mr. H. B.
French, Mr. J. C.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Gwynne, Mr. C. W.
Howell, Sir Evelyn.
Ishwarsingji, Nawab Naharsingji.
Ismail Ali Khan, Kunwar Haice.
Jawahar Singh, Sardar Bahadur
Sardar.
Lal Chand, Hony. Captain Rao Baha-
dur Chaudhri.

Megaw, Major General J. W. D.
Moore, Mr. Arthur.
Morgan, Mr. G.
Mujumdar, Sardar, G. N.
Mukherjee, Rai Bahadur S. C.
Nixon, Mr. J. C.
Noyce, Sir Frank.
Pandit, Rao Bahadur S. R.
Pillai, Mr. N. R.
Rafuddin Ahmad, Khan Bahadur
Maulvi.
Raghubir Singh, Kunwar.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Baksh Shah, Khan Bahadur
Makhdom Syed.
Rama Rao, Diwan Bahadur U.
Rau, Mr. P. R.
Ryan, Mr. T.
Sahi, Mr. Ram Prashad Narayan.
Sarma, Mr. R. S.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar,
Captain.
Sykes, Mr. E. F.
Tin Tut, Mr.
Wajihuddin, Khan Bahadur Haji.
Young, Mr. G. M.

The motion was negatived.

Rao Bahadur B. L. Patil: Sir, the next amendment that stands in my name reads thus:

"That to clause 4 the following be added at the end:

"This clause shall be in force for one year only."

My previous amendment having been thrown out, it remains for me to make an appeal to this House at least to restrict the operation of the clause for one year only. I will, however, shortly state my reasons as

to why I am moving this amendment after having failed with regard to my first amendment. My first reason is this: that we are on the eve of constitutional reforms, and it would be unfair and unwise on our part to legislate for a period for which the operation of this clause will be extended. We are all hoping that tremendous changes are going to happen. In these circumstances I think that it would be wise on our part to limit the operation of the clause only for one year.

My second reason for pressing this amendment for the acceptance of this House is this: of course it is said in high authoritative quarters that when the State is in danger, the high prerogative writ of *habeas corpus* may be suspended; but it should be suspended only for a short time and for a limited period, and that should be done only by the Legislature. I do not know exactly where that has been said, but I remember that is the proposition laid down by Lord Shaw in one of his judgments, and he has quoted from Blackstone. That is my second reason why the operation of this clause should be restricted to one year only; and I make an appeal to this House. . . .

An Honourable Member: Make your appeal to the other side. This side is always with you.

Rao Bahadur B. L. Patil: I make my appeal both to this side as well as the other, because I fear that many Honourable Members will not be in their seats at the time of voting. For these two reasons I move this amendment.

The Honourable Sir James Crerar: Mr. President, the Honourable gentleman who has moved this amendment had two main grounds: in fact two sole grounds as I understood him; first that India is on the eve of big constitutional reforms, and second, any suspension of the *habeas corpus* powers of the High Court should only be for a very limited period. I have a great deal of sympathy with both of those points of view. But what I would ask the House to regard is the practical aspect of the business. In the first instance, a proposal of this kind will not be reasonable unless we had some reasonable prospect that the exceptional conditions which require exceptional legislation are reasonably likely to be terminated within one year. Secondly, it is obviously a matter of the greatest importance that the supplementary legislation should be co-extensive and co-terminous in time with the local Bill which it proposes to supplement. If within the period which the local Act has still to run conditions did improve so much, if the terrorist movement in Bengal became extinct, then obviously the conditions necessitating the legislation would have ceased, and I have no manner of doubt that the local Legislature would repeal its own enactment and our own supplementary Act could cease to operate. But till those conditions are realised, I do not think it is reasonable for the Honourable Member opposite to expect us to accept an amendment limiting the operation of this important operative clause, which the House has already repeatedly accepted, to one year.

Mr. President: The question is:

"That to clause 4 the following be added at the end:

"This clause shall be in force for one year only."

The motion was negatived.

Mr. President: The next amendment is from Mr. Sitaramaraju.

Mr. B. Sitaramaraju: Sir, I move:

"That to clause 4 the following proviso be added—'Provided, however, that the procedure laid down in the Act has been complied with'."

In moving this amendment it is not necessary for me to speak at any great length, nor it is necessary for me to refer to the inherent powers of the High Courts after the very elaborate discussion we have had on the subject. My amendment, as I have just now read, does not seek to modify any of the provisions of the Bill itself notwithstanding the fact that it is a proviso, because the proviso says, you can have the Act as you will, and if you must have this drastic legislation, have it by all means, but if you want to have this legislation, then give a guarantee to the people that in case even this lawless law is not complied with, and if there has been a detention illegally made under the colour of this Act, there is a provision in the law itself to safeguard the citizens from such illegal detention. That is my proviso, and therefore I do maintain that the proviso does not modify any of the provisions of the Bill itself notwithstanding the fact that it is a proviso. It only seeks to show that by barring legal proceedings which you want under clause 4, we should be assured that, in case the procedure laid down in the Bengal Act has not been complied with, there will be available to the citizen the remedy provided under section 491 of the Criminal Procedure Code. One would have thought that there could be no possible objection on the part of Government to a proviso like this, because the Government have the legislation they want; and I do not think that any reasonable man on the Government Benches can contend that there should also be a power reserved to the executive to exceed the bounds of law. Notwithstanding the very pointed questions asked by our Deputy Leader, Sir Cowasji Jehangir, and by our Leader, Sir Abdur Rahim, earlier on this debate, the Honourable the Home Member would not allow himself to be drawn out on that day. We wanted very much to know what possible objection there could be for Government to accept a provision like this. The question was specifically asked and the Honourable the Home Member, if I remember aright, said that he would disclose his views on the matter only when this amendment was moved. But the Law Member was not silent likewise. Sir, I must at this stage congratulate the Honourable the Law Member for the very refreshing candour with which he dealt with the subject, and I must also congratulate another gentleman on the Government Benches,—my Honourable friend, Dr. DeSouza, for the very correct view he has taken in the matter.

Mr. S. C. Mitra: And the great Barrister Mr. Kabiruddin Ahmed? (Laughter.)

Mr. B. Sitaramaraju: What does that show? I am using almost the exact words of the Law Member. He said that the whole clause is revolting to him as it would be to any lawyer. All the implications involved in it are revolting to everybody who is fed on English jurisprudence, equity and common justice. Therefore, I am really thankful to the Honourable the Law Member for the candour with which he has stated the position, namely, that he is guided more by a policy to enact this

legislation than by reason. He said that the purpose of this Bill is to substitute the executive will for judicial judgment. I may be permitted to say, Sir, with equal candour that if there is any grain of self-respect on this side of the House, then we should not be a party to a thing which seeks to substitute executive will for judicial judgment. But I do sympathise with the Honourable the Law Member because he is quite helpless and because he is guided by a policy over which he candidly said he has no control. However, Sir, in sympathising with him, I cannot but express my regret that, great lawyer as he is, the Honourable the Law Member has advanced an argument which, I am sure, he would on reflection find that it is not at all an argument that he of all people could have or should have advanced. He said that if the detention is legal, the High Court will not interfere; if the detention is illegal, then there is nothing that can prevent the High Court from interfering. And before I deal with the specific points raised by him I must now refer to another remark which he made earlier in the debate. It is with reference to the opinion expressed by Sir Alladi Krishnaswami Aiyer—another great lawyer from Madras—on this provision in the Bill. Honourable Members of this House are perfectly aware that the Honourable the Law Member has himself quoted with approval the remarks of Sir Alladi Krishnaswami Aiyer, the Advocate General of Madras, on the point

The Honourable Sir Brojendra Mitter: Will you please raise your voice; I find it very difficult to hear you.

Mr. B. Sitaramaraju: He read the references to the regulations under section 491, Criminal Procedure Code, which were made in that opinion. I would like to quote the following few lines from Sir Alladi Krishnaswami Aiyer's opinion:

"If the conditions of the statute are satisfied, the detention is lawful and the High Court will not exercise the jurisdiction under section 491 of the Criminal Procedure Code. If, on the other hand, the detention is unlawful because the conditions of the Statute have not been fulfilled or the order has not been passed save by the proper authority, there is no reason why the subject should be deprived of his remedy under section 491 and the opportunity of obtaining relief in any part of the British Empire."

In view of the approval with which the Law Member has quoted Sir Alladi Krishnaswami Aiyer, I hope the same approval would be accorded to this which I consider to be the important relevant operative portion of his opinion on the question before us, although he stated in that paragraph that the only redeeming feature of this objectionable law is that it was once allowed to be incorporated in a similar way. I do not think that can be cited as an argument which was advanced by Sir Alladi Krishnaswami Aiyer in favour of the clause. This is all that was said, and that was the portion quoted by the Law Member. Here it is:

"I realise that there is this thing to be said in favour of the retention of clause 4, that section 491 already contains a provision to the effect that the remedy under the section is not available to persons detained under certain regulations, and so forth."

This was quoted as Sir Alladi's approval in answer to the point which was then raised by Sir Cowasji Jehangir. Reading the whole passage, even the Law Member with all the brilliancy of the advocacy which he can bring to bear upon it cannot make it other than a mere commonplace

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of advocacy on his part. Further, the Honourable the Law Member made mention about the sanction of this Legislature. This House never... sanctioned it, and if the Council of State sanctioned it we know what the Council of State is composed of.

The Honourable Sir Brojendra Mitter: I protest against it.

Mr. B. Sitaramaraju: Coming to that point that if the detention is lawful, then the High Court will not interfere and if the detention is unlawful, then the High Court cannot be prevented

The Honourable Sir James Crerar: Will the Honourable speaker speak a little louder? We find it difficult to follow him.

Mr. President: The Chair also finds it difficult to follow the Honourable Member.

Mr. B. Sitaramaraju: I am sorry I have been inconveniencing Honourable Members. If the detention is legal, then the High Court cannot interfere. This is a correct proposition with which we have no quarrel. As regards the other that if on the other hand the detention is illegal, then the High Court cannot be prevented from interfering. I would like to say that this requires some more elaborate explanation than what the Honourable the Law Member has given. If I remember aright, he was advancing the argument in answer to my friend Mr. Navalrai that the powers of a High Court are no more than the powers mentioned under section 491, and therefore if we are to be deprived of the powers vested in us under section 491 we are deprived of all. But if the general rights and privileges of the High Court are untouched and real, clause 4 itself would be without any effect. The Honourable the Law Member said, referring to the Calcutta case he mentioned the other day, that those powers are rendered ineffective by these provisions. I submit that the Honourable the Law Member cannot have it both ways. To put it in another way, it must be admitted, and I think that is sufficiently admitted by the Honourable the Law Member himself, that in cases where there has been illegal detention, even under the colour of this Act, then it is right that the victims of that illegal detention should be provided with some remedy. I think therefore that it can be assumed that illegal detention requires to be provided against. Section 491 is a remedy. If they are deprived of that there must be a remedy available. Now admitting that there is a remedy available to a person illegally detained somewhere in law, then I would like to ask where is this remedy to be found if we are deprived of section 491, for under sub-section (b) of section 491 there is a specific provision made that the High Court would interfere where there has been a case made out of illegal detention. That being so, it is incumbent upon the Law Member to tell us, for if these powers under section 491 are to be barred under clause 4, there must be a remedy available to a citizen to safeguard against that illegal detention. To my mind there is none. If there is one elsewhere, section 491 would not specifically provide a remedy for illegal detention. If there is illegal detention, then sub-section (b) is the only provision applicable. Now, if the whole of section 491 is taken away and debarred from being used,

then there must be another power vested somewhere. The Honourable the Law Member has not told us where that power exists. If I remember aright, in the course of the discussion on the last clause, he said that the general powers of the High Court could be made available for that purpose. If that is correct, then it would be open to the same objection which the Honourable the Law Member himself raised for rejecting clause 4. Therefore the position comes to this, this proviso is either necessary or not necessary. If it is necessary, then we must certainly have it. Assuming for the moment that it is not necessary and that there is a power reserved for the people elsewhere by which they can take action for illegal detention under this Act, assuming that such a power exists, which I deny, then this proviso could be considered at the worst only superfluous. May I respectfully ask the Law Member whether, by adding a proviso which is not objectionable on the ground that people illegally detained under the Act should be provided with a proper remedy, if it is only superfluous, it would offend the aesthetic sense of the draftsman of the Government who has drafted this Bill to add a proviso like this, and that a serious doubt has arisen and the point has been argued on the floor of the House by Honourable Members who are acquainted with the practice and procedure of law in this country.

Then there is another point. Taking the question also on its merits, what is this after all which we want? We say, let the Government have this law, drastic as it is, but let us have the proviso also, which says that even this lawless law should be complied with and where it is not a remedy should be made available to the people. Is it the contention of the Government that even if action is illegally taken under this Act by officials, they should have their own way? If that were the contention, then I would respectfully ask the Home Member as well as the Law Member. "Why have this Act at all?" I would tell them, "Suspend all laws altogether for the matter of that", because if it is the wish of the executive that no law should be respected by their officials, with what decency can anybody say that there should be any laws at all? Let them rule without laws and suspend all laws. Sir, in my humble opinion I think that this proviso is the acid test of the *bona fides* of the Government (Hear, hear), as to whether, under the subterfuge and colour of this Act, they want their subordinate officials to take the law into their hands and do whatever they please, without there being any remedy available to the party aggrieved, without there being any right available to the ordinary citizen to question the vagaries of the Government's subordinate officials.

Mr. S. C. Mitra: You can see the Honourable the Home Member.

Mr. B. Sitaramaraju: Sir, in all fairness to the Honourable the Law Member it must be said—to use his own words—that the whole thing is revolting from the point of view of a lawyer to him as well as to all of us. To us it is even more so, and I would respectfully request the Honourable the Law Member not to let the Government stultify themselves by taking shelter under the proposed legislation without offering a remedy even when their subordinate and higher officials have exceeded and abused the powers given to them by this House.

Before I conclude, I would like to say one thing more, and that is this. In the course of the Budget speech the Honourable the Finance Member the other day accused my Honourable friends from Bombay of

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sustaining a passion for self-inflicted injuries. Since then I have discovered that the malady is not confined at all to Bombay but it has been creating ravages in the ranks of the Government themselves.

Mr. S. C. Mitra: That is also from Bombay; Sir James Crerar is a Bombay Civilian.

Mr. B. Sitaramaraju: Sir, these Ordinances, these drastic laws, whatever may be the hardships that they entail on the people, however much the people suffer, ultimately recoil on the Government which promulgates them. I say, Sir, every *lathi* blow given, every drastic legislation under the colour of law, even with the sanction of the Legislature like ours, that has been made here, is injurious to the prestige, good name and authority of the Government themselves. If not now, at least in the days to come it must recoil, and therefore I would say that that passion for self-inflicting injuries ascribed to the Bombay people is more in evidence here with the Government than it is anywhere else. Sir, I move.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 30th March, 1932.

LEGISLATIVE ASSEMBLY.

Wednesday, 30th March, 1932.

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

QUESTIONS AND ANSWERS.

CLAIMS OF BRITISH AND INDIAN SEAMEN IN BOMBAY.

1063. ***Mr. B. Das:** (a) Will Government be pleased to state whether there was any correspondence between the Government of India and the Government of Bombay in regard to the equitable distribution of the sale proceeds of the Royal Alfred Sailors' Home, Bombay, between the claims of British and Indian seamen?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state how the claims of the British and Indian seamen out of the above sale proceeds were ultimately adjusted?

(c) If the answer to part (a) be in the negative, will Government be pleased to state whether they propose to see to an equitable distribution of the sum of Rs. 4,44,875 between the claims of European seamen and Indian seamen?

The Honourable Sir George Rainy: (a) A letter received from the Indian National Steamship Owners' Association in regard to the disposal of the sale proceeds of the building of the Royal Alfred Sailors' Home was the subject of correspondence between the Government of India and the Government of Bombay.

(b) From the information available, it appeared that the Bombay Seamen's Society with which the Bombay Sailors' Home Society (which administered the Royal Alfred Sailors' Home) was amalgamated, was under no legal obligation to contribute any part of the sale proceeds towards any object connected with the welfare of Indian seamen. The Society however, made a voluntary donation of Rs. 1 lakh towards the construction of the building of the Indian Sailors' Home recently opened at Bombay.

(c) Does not arise.

NOMINATION OF INDIAN CHRISTIANS AS MEMBERS OF THE AJMER MUNICIPAL COMMITTEE.

1064. ***Sardar Sant Singh:** (a) Is it a fact that the Indian Christians form a very small minority of the population of Ajmer?

(b) Is it also a fact that three Indian Christians have been nominated as members of the Ajmer Municipal Committee this year?

(c) If so, will Government state why no representatives of the Sikhs or Parsis—other minority communities—are not nominated?

Sir Evelyn Howell: With your permission, Sir, I propose to answer questions Nos. 1064, 1065 and 1066 together. The information is being collected and will be given to the House in due course.

Mr. N. M. Joshi: May I ask, Sir, whether Government will also call for information as to how many labour members there are on the Ajmer Municipality, and whether in view of the fact that Ajmer is a very important labour centre, they will also see that one labour member is appointed on the Ajmer Municipality?

Sir Evelyn Howell: Does that question arise, Sir?

NOMINATION OF A MUSSALMAN AS A MEMBER OF THE AJMER MUNICIPAL COMMITTEE.

†1065. ***Sardar Sant Singh:** (a) Will Government inform the House on what principle was a Mussalman nominated as a member of the Ajmer Municipality? Is it a fact that a number of seats are reserved for Mussalmans by election to the Municipal Committee?

(b) Is it a fact that the nomination of Hindus as members has been stopped? If so, on what grounds is this done in the case of Mussalmans?

NON-NOMINATION OF A MEMBER OF THE DEPRESSED CLASSES TO THE AJMER MUNICIPAL COMMITTEE.

†1066. ***Sardar Sant Singh:** (a) Is it a fact that the depressed classes of Ajmer made a representation to the Commissioner of Ajmer for nomination of one of their community on the Committee?

(b) If so, what were the reasons for the rejection of their application?

RECRUITMENT OF SIKH PACKERS AND POSTMEN IN THE DELHI HEAD POST OFFICE.

1067. ***Sardar Sant Singh:** Is it a fact that there is no Sikh postman and packer in Delhi Head Office and its town sub-offices? Are Government prepared to call for the explanation of the official concerned who had ignored Government orders repeatedly issued in connection with the recruitment of the minority communities? Do Government propose to issue instructions to the officers in charge of recruitment to appoint Sikhs in future till the number of the Sikh community is fully completed?

The Honourable Sir Joseph Bhole: With your permission, Sir, I propose to take questions Nos. 1067, 1068 and 1069 together. Each of these questions contains the suggestion that in making appointments in certain offices a certain reservation should be made in favour of members of the Sikh community. The steps taken by Government in securing representation of minority communities (including Sikhs) in all services in the Posts and Telegraphs Department are as already stated in the reply given to the Honourable Member's own starred question No. 728 in this House on the 9th March, 1932. Government regret that they cannot take any further steps specially in favour of the Sikh community.

†For answer to this question, see answer to question No. 1064.

RECRUITMENT OF SIKH CLERKS IN THE DELHI HEAD POST OFFICE.

†1068. ***Sardar Sant Singh:** Is it a fact that the number of the Sikh clerks in the Delhi Head and town sub-offices and in the R. M. S. D. Division is very poor? If so, are Government prepared to issue necessary instructions to the Postmaster, Delhi, and the Superintendent R. M. S. D. Division to recruit members of the Sikh community in future to give them their proper share?

APPOINTMENT OF SIKHS AS SUB-POSTMASTERS IN DELHI.

†1069. ***Sardar Sant Singh:** Is it a fact that there are 21 sub-offices under Delhi Head Post Office and members of the following communities are working as Sub-Postmasters (12 Hindus, eight Muhammadans, and one Sikh)? Are Government prepared to issue necessary instructions to the official concerned to post at least 33 per cent. members from the Sikh community to work as Sub-Postmasters to give a proper share to the minority communities?

REGISTRATION OF PARTNERSHIP FIRMS UNDER THE INCOME-TAX-ACT.

1070. ***Sardar Sant Singh:** (a) Is it a fact that Income-tax Officers refuse to register partnership firms under section 2 (14) of the Income-tax Act?

(b) Have any rules been framed for the guidance of the Income-tax Officers? If so, will Government kindly lay such rules on the table?

(c) If not, do Government propose to make rules for the guidance of such officers?

The Honourable Sir George Schuster: (a) The implication of the question as put is certainly not correct. Recently one case has been brought to the notice of the Central Board of Revenue in which it was alleged that an Income-tax Officer had incorrectly refused to register an instrument of partnership, under section 26-A. of the Indian Income-tax Act, 1922. The Board has called for a report in regard to it, in order to see whether the order was as a matter of fact incorrect.

(b) Yes. Statutory rules 2 to 6 framed under the Indian Income-tax Act (pages 65-67, Income-tax Manual, 4th edition). There are also some executive instructions in paragraph 10 of the Instructions appended to the Income-tax Manual, a copy of which will be found in the Library.

(c) Does not arise.

SUBSTITUTION OF AIR FORCE UNITS FOR ARMY UNITS IN THE DEFENCE OF THE FRONTIER.

1071. ***Mr. Arthur Moore:** Will Government please say:

(a) why the report of the Howell Committee on the possibility of substitution of Air Force units for Army units in the defence of the Frontier has not been published;

(b) whether the findings of the Committee were unanimous; and

(c) whether it is proposed to give effect to them?

Mr. G. M. Young: (a) The Committee was appointed to consider the whole question of frontier tribal control and defence in all its aspects, one

†For answer to this question, see answer to question No. 1067.

of which was the possibility of the extended use of the air arm. As regards the publication of its report, the attention of the Honourable Member, is invited to the reply given in the Assembly to starred question No. 284 asked by Mr. S. C. Mitra on the 15th September last.

(b) The Committee's findings were unanimous on all the questions referred to it.

(c) The only definite recommendation for air substitution put forward by the Committee was the reduction of certain army unit on the assumption that a Heavy Transport Squadron would be added to the strength of the Royal Air Force by 1933-34. Owing to financial circumstances it is not possible to proceed with the formation of a Heavy Transport Squadron at present. Some of the reductions recommended by the Committee have, however, been carried out, and others are still under consideration.

Mr. Arthur Moore: If one of the arguments for the provision of the Heavy Transport Squadron was that it would lead to economy, may I ask why financial stringency should prevent the ordering of the Heavy Transport Squadron?

Mr. G. M. Young: The formation of a Transport Squadron would involve initial expenditure of certainly not less than half a crore, and its maintenance may be taken roughly as equivalent to the maintenance of three Battalions of Indian Infantry. It is not until economies can be effected which would make good that expenditure that it would pay to proceed with the formation of a Heavy Transport Squadron.

Mr. Gaya Prasad Singh: Is it not a fact that the Howell Committee suggested a saving in expenditure on ground troops and an expansion of the Air Force on the Frontier as a measure of defence?

Mr. G. M. Young: I have already given the only definite recommendation for air substitution in my answer.

Mr. Gaya Prasad Singh: Would not the recommendation of the Howell Committee, if given effect to, have resulted in a saving of expenditure on the Frontier defence?

Mr. G. M. Young: It is a matter of opinion whether air substitution will result in an appreciable net saving.

Mr. Gaya Prasad Singh: My question was if the recommendation of the Howell Committee is given effect to, will it not result in a marked saving in the expenditure on the defence of the Frontier?

Mr. G. M. Young: I must ask for notice of that question.

Mr. Gaya Prasad Singh: Is it not given in the first part of the question?

(No answer.)

Dr. Ziauddin Ahmad: Do the Government of India agree to the recommendation that the ground forces should be replaced gradually by air forces?

Mr. G. M. Young: I do not know to what recommendation my Honourable friend is referring, but as was stated by the Foreign Secretary in reply to the question on the 15th September last, the report contains a good deal of information the publication of which is not in the public interest and so it has not been published.

Mr. Gaya Prasad Singh: Do Government propose to publish it?

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

ABOLITION OF THE LOWEST SELECTION GRADE EXAMINATION FOR THE POST OFFICE.

1072. ***Mr. Uppi Sahab Bahadur:** (a) Is it a fact that a departmental examination, called the Lowest Selection Grade Examination, was held in the Post Office in the years 1929 and 1930 according to the rules contained in Director General's Special General Circulars No. 22, dated the 16th October, 1929, and No. 16, dated the 18th August, 1930, and in the Post and Telegraph Manual, Vol. IV?

(b) Is it a fact that it was definitely stipulated in these rules that the examination would be held annually and that all promotions from the ordinary time-scale of pay to the Lowest Selection Grade would be made only from the passed officials?

(c) Is it a fact that the Director General, Posts and Telegraphs, has since abolished this examination by his Special General Circular No. 46, dated the 3rd March, 1932?

(d) If the reply to part (a) above be in the affirmative, will Government please state the reasons which actuated them to introduce the examination?

(e) If the reply to part (c) above be in the affirmative, will Government please give the reasons which have now led to the abolition of the examination?

(f) Is it a fact that Sir B. N. Mitra the then Honourable Member in charge of the Industries and Labour Department, announced that the examination was necessary as a basis for selection of officials for promotion to the lowest selection grade posts, and as a remedy for inefficiency and favouritism?

(g) If the reply to part (f) be in the affirmative, will Government please state the reasons which have led them to depart from their own principle and whether the abolition of the examination is accompanied by some safeguards which will not again make room for the evils which it was designed to combat?

Mr. T. Ryan: (a), (b) and (c). Yes.

(d) and (e). The Honourable Member is referred to my replies to the supplementary questions asked by Dr. Ziauddin Ahmad in connection with Mr. S. C. Mitra's starred question No. 792 in this House on the 14th March, 1932.

(f) Government have not been able to trace any announcement of the kind to which the Honourable Member refers.

(g) Does not arise, but the point which the Honourable Member has in mind will not be overlooked.

PROMOTIONS TO THE LOWEST SELECTION GRADE IN THE POST OFFICE.

1073. *Mr. Uppi Saheb Bahadur: (a) Are Government aware that while some of the officials who passed the Lowest Selection Grade examination in the years 1929 and 1930 have already been confirmed in the selection grade, others are officiating in the grade by virtue of the rules framed by Government and many more are still in the waiting list in the Calcutta General Post Office?

(b) Is it a fact that the Director General, Posts and Telegraphs, has laid down in his Circular No. 46, dated the 3rd March, 1932, that with effect from the 15th March, 1932, all promotions to the lowest selection grade will be made from amongst senior officials who have known capabilities and past good records irrespective of whether they have passed the selection grade examination or not?

(c) Is it the intention of Government to revert the passed officials who have long been officiating in the grade and bring in the officials who failed to pass or did not appear at the examination?

(d) Is it the desire of Government that the passed officials who have not yet been confirmed in the lowest selection grade are to receive differential treatment from those who have already been confirmed?

(e) If the reply to part (c) be in the negative, will Government please state how they propose to safeguard the interests of the passed officials so long borne on the waiting list?

(f) Are Government aware that the Postmaster General, Bengal and Assam, allowed a large number of posts in the selection grade to remain vacant, to the detriment of passed officials?

Mr. T. Ryan: (a) Yes.

(b) Yes, except in the case of promotions to the posts of Inspectors and Postal Divisional Head Clerks and of Accountants and Assistant Accountants in the Lowest Selection Grade.

(c) The revised procedure will not affect the officiating arrangements made prior to its introduction.

(d) As the passing of the examination was not the only condition for promotion and as seniority of passed officials for purposes of promotion was based on their seniority in the general gradation list, irrespective of the date of passing the examination, no question of differential treatment appears to arise.

(e) It is considered that the interests of all concerned will be protected by the measures referred to in parts (b) and (c).

(f) Yes, in view of possible retrenchment of such posts.

EXPENDITURE INCURRED IN CONDUCTING THE LOWEST SELECTION GRADE EXAMINATION IN THE POST OFFICE.

1074. *Mr. Uppi Saheb Bahadur: Will Government please lay on the table a statement showing the detailed expenditure they incurred in conducting the Lowest Selection Grade Examination in the years 1929-30?

Mr. T. Ryan: The information has not been compiled and the preparation of a detailed statement would involve an expenditure, time and labour, out of proportion to the advantage to be gained

OVERTIME ALLOWANCE PAID FOR SORTING ENGLISH MAIL.

1075. *Mr. Uppi Saheb Bahadur: (a) Is it a fact that the sorting of the Inward English mail was hitherto done by staff on overtime allowance in Calcutta, Bombay, Rangoon and other important stations?

(b) Are Government aware that the Postmaster General, Bengal and Assam, has withdrawn overtime allowance from some of the officials working in connection with the sorting of English mail and also reduced the rate?

(c) Have Government authorised the Postmaster General to do so?

(d) If not, will Government please state the reasons why this was done?

Mr. T. Ryan: With your permission, Sir, I shall to deal with questions Nos. 1075, 1076 and 1077 together.

Information in respect of the various points is being collected and will be placed on the table of the House.

OVERTIME ALLOWANCE PAID FOR SORTING ENGLISH MAIL.

+1076. *Mr. Uppi Saheb Bahadur: (a) Are Government aware that the Postmasters General, Bengal and Assam, has directed the Presidency Postmaster, Bengal, to select auxiliaries from some departments of the Calcutta General Post Office and all non-delivery Town Sub-Offices and to direct them to work on Sunday, in connection with the English mail without overtime allowance?

(b) Is it a fact that the Director General, Posts and Telegraphs issued a Circular directing the officers of the Department to allow the staff as much relaxation as possible on Sunday, and Post Office Holidays?

(c) If the reply to part (b) be in the affirmative, will Government please state reasons why the Post Master General has curtailed the concession hitherto enjoyed by them?

OVERTIME ALLOWANCE PAID FOR SORTING ENGLISH MAIL.

+1077. *Mr. Uppi Saheb Bahadur: (a) Will Government please say whether the Postmasters General of other Provinces have issued orders to draft auxiliaries from the Department and non-delivery Town Sub-offices and to compel them to work in the foreign mail section on Sunday, without any overtime allowance?

(b) If the reply to part (a) be in the affirmative, will Government please state in detail the procedure adopted in those Provinces?

INTRODUCTION OF LOWER DIVISION CLERKSHIPS IN THE POSTAL DEPARTMENT.

1078. *Mr. Uppi Saheb Bahadur: (a) Is it a fact that Government have accepted many recommendations of the Posts and Telegraphs Retrenchment Committee and decided to introduce lower division clerkships in the Postal Department?

(b) If so, will Government please state whether orders have been issued to give effect to the scheme?

+For answer to this question, see answer to question No. 1075.

(c) If the reply to part (b) be in the affirmative, will Government please say whether the Postmaster General, Bengal and Assam, has given effect to the orders? If not, why not?

Mr. T. Ryan: (a) Yes.

(b) Yes, as circumstances permit.

(c) Government have no reason to suppose that their orders are not being carried out, but steps are being taken to prevent any oversight.

RETIREMENT OF POSTAL OFFICIALS OF 55 YEARS OF AGE OR 30 YEARS' SERVICE.

1079. ***Mr. Uppi Saheb Bahadur:** (a) Is it a fact that the Finance Department of the Government of India has issued a notification that in order to give effect to the retrenchment proposals, officials who have completed 55 years of age or 30 years' service will have to retire?

(b) If so, will Government please say whether Director General, Posts and Telegraphs, will abide by these orders?

(c) Are Government aware that the Postmaster General, Bengal and Assam, and the Presidency Postmaster, Calcutta have recently granted extensions of service to some officials?

(d) Do Government propose to direct the Director General, Posts and Telegraphs, to issue orders for retirement of officials, who are on extension of service or have completed 55 years of age or 30 years' service and to fill up the resultant vacancies by lower division clerks?

Mr. T. Ryan: (a) The orders referred to by the Honourable Member do not contemplate the entire suspension of the ordinary rules regarding the retention of officials in service.

(b) The Director General appreciates the expediency of abiding by orders issued to him.

(c) No.

(d) The matter is receiving attention and suitable orders will be issued.

PROMOTION OF POSTMEN AS LOWER DIVISION CLERKS.

1080. ***Mr. Uppi Saheb Bahadur:** (a) Have Government decided to promote some qualified postmen as lower division clerks?

(b) Is it a fact that the Postmasters General of some Provinces have already issued orders for recruitment of lower division clerks from postmen?

(c) If so, will Government please state the reason why the Postmaster General, Bengal and Assam, has not yet done so?

(d) Do Government propose to issue orders to the Postmaster General, Bengal and Assam to do so now?

Mr. T. Ryan: (a) Yes.

(b), (c) and (d). Government presume that their orders are being carried out, but as I have just stated, in reply to question No. 1078, steps are being taken to guard against oversight.

RENT PAID FOR THE BOW BAZAR POST OFFICE.

1081. ***Mr. Uppi Saheb Bahadur:** (a) Is it a fact that the Bow Bazar Post Office (Calcutta) is located in a three-storied building?

(b) Is it a fact that the Post Office has occupied only half the space of the building?

(c) Is it a fact that Government are paying rent for the whole building?

(d) If the reply to parts (a), (b) and (c) be in the affirmative, will Government be pleased to state what amount has since been paid by them, by way of rent for the portion of the building lying vacant?

Mr. T. Ryan: (a) Yes.

(b) No. The ground and first floors are leased by the post office.

(c) No.

(d) Does not arise.

RE-EMPLOYMENT OF RETRENCHED OFFICERS.

1082. ***Pandit Satyendranath Sen:** (a) Will Government please state whether in filling up the future vacancies in the respective grades of the different departments they intend to consider the claims of the officers who have been either discharged or made to retire with a nominal pension in pursuance of the present retrenchment policy?

(b) If the answer to part (a) is in the affirmative, will the claims of such officers have priority over those of outsiders? If not, why not?

(c) If the answer to part (a) is in the negative, will Government please state reasons?

The Honourable Sir James Crerar: (a) So far as the establishments of the Government of India and its attached offices, who recruit through the Public Service Commission, are concerned, the claims of permanent men who have been retrenched and are considered suitable for re-employment will be considered.

(b) Yes.

(c) Does not arise.

ARREARS OF PAY OF A DRIVER IN A MULE CORPS.

1083. ***Mr. S. C. Mitra:** (a) Is it a fact that no technical difficulties are put in the way of ex-sepoys and followers of the Indian Army while they claim their arrears of pay, allowances, gratuity, and undisbursed credit balances, etc., lying in their units?

(b) If so, is it a fact that a sum of Rs. 564-11-6 belonging to a driver No. 431 of the 37th Mule Corps was kept lying with the unit as an undisbursed credit balance for many years till 16th February, 1932, when it was sent through a special attorney, vide letter No. 1155/1277-E., dated 16th February, 1932?

(c) Was no petition regarding this sum received from the aforesaid driver since his discharge?

(d) Was not any attempt made by the officer in charge to send this sum to the aforesaid driver?

(e) Was it difficult for the officer in charge to ascertain whether the driver had left the old residence shown in his attestation papers?

(f) If not, how do Government make sure that the aforesaid driver was given all possible facilities or at least as much facility as they afford to the attorney to claim credit balances due to *ex-sepoys* and drivers?

(g) Will Government please state the reasons for detaining such heavy sums of the poorly paid drivers and other ranks for many years, and to resort to indirect methods for disposing of the undisbursed credit balances?

(h) What amount of undisbursed credit balances has thus been paid by the officer in charge, I. A. S. C. Records, Dagshai, since the publication of A. I. (I.) A-16 of 1927?

Mr. G. M. Young: I have called for the records of the case and a reply will be laid on the table in due course.

UNSTARRED QUESTIONS AND ANSWERS.

TIME-BARRING OF DISABILITY PENSION CLAIMS.

299. **Sardar Sant Singh:** (a) With reference to the answer given on 12th February, 1932, to starred question No. 289, parts (a) and (b), will Government please state if their action in declaring disability pension claims as time-barred [*vide* A. I. (I.) 418 of 5th May, 1925 and B. 342 of 28th December, 1926], was not in contravention of their early declaration contained in "Field Service Regulations" as were in force in the years 1916 to 1924?

(b) Is it not against the practice recognised by the Ministry of Pensions for British casualties as contained in "The official History of the War" (Casualties and medical statistics) issued by the Ministry of Pensions in 1931, and in which under the heading "Comparative Analysis of War disablement" on page 319 it is stated: "First, the conditions which did not appear in evidence as war disablement until after demobilization are analyzed—in other words, the post-war emergence of war disablement. By this means a broad indication is given of the extent to which there was a continuous unknown factor in the summation of the states responsibilities, due to delayed but acceptable claims for compensation for war disablement"?

(c) Are not the disability pensions of Indian ranks chargeable to His Majesty's Exchequer? If so, why should a fundamentally different treatment be announced by the Government of India for Indian disabled *sepoys*?

(d) Does not the responsibility of Government to initiate investigation in first claims to disability pensions recorded in their registers as "disabled and invalided" extend to the Great War *ex-soldiers* as it does to serving soldiers (*vide* Government reply to the question quoted above)?

Mr. G. M. Young: The matter is being examined and a reply will be given later.

MILITARY PENSION CLAIMS.

300. **Sardar Sant Singh:** (a) Has the attention of Government been drawn to the fact that the Ministry of Pensions have issued a "History of the Great War", a "General History of Medical Services", and "Diseases of the War", wherein the fact with regard to the faulty equipment of personnel and stores, inexperience of the majority of diseases prevailing in different climates, and of the new diseases born of war conditions have been officially recognised?

(b) If so, will Government please state whether they have issued instructions to their medical boards to keep in mind the experience of the extraordinary conditions prevailing in the theatres of the Great War, as reflected in these official histories?

(c) If not, are Government prepared to allow any licensed medical practitioner to appear before their medical boards, on behalf of disabled *sepoys*, to represent the *sepoys'* interest? Are Government aware that this practice is in vogue in England in War Pension Appeal Tribunals?

Mr. G. M. Young: The matter is being examined and a reply will be laid on the table in due course.

INVESTIGATION OF MILITARY PENSION CLAIMS.

301. **Sardar Sant Singh:** (a) Is it a fact that the initiative to investigate claims to family pension of the Indian ranks dying in service overseas, in military hospitals, or on the way to their homes rests with Government, in view of the facts of the casualty not being known to the heirs of the deceased?

(b) If so, will Government kindly refer to letter No. G./4/4116, dated 29th January, 1932, of the Deputy Controller of Military Pensions rejecting a claim to family pension on the ground that the Government of India do not regard the death of the individual in question to be attributable to military service for the purpose of granting a family pension?

(c) What is the purpose mentioned in that letter and what is the difference that Government recognise between 'death attributable to military service' and 'death attributable to military service for the purposes of pensions'?

Mr. G. M. Young: (a) Yes, but the reason is not that the facts of the casualty are not known to the heirs of the deceased but that this procedure saves time and assists the heir, who may be illiterate, a minor, or a female unacquainted with regulations. The heir (or next-of-kin) is informed of the casualty as soon as the regimental depot receives the information.

(b) and (c) (first part). The phraseology used by the Government of India in the Army Department when intimating that a claim to a family pension has been rejected is as follows:

"The Government of India have decided that the cause of the death of.....cannot be viewed as attributable to military service for the purpose of the grant of a family pension to his heir."

This phraseology refers to paragraph 249 of the Pension Regulations, which runs:

"Family pensions and children's allowances are admissible in cases where the cause of death is attributable to military service."

(c) (second part). No difference is intended.

MILITARY PENSION CLAIMS.

302. **Sardar Sant Singh:** (a) Has the attention of Government been drawn to letter No. Pen./15/1315, dated 15th June, 1927, of the Controller of Military Pension Accounts, Southern and Western Commands, giving a ruling that no communication in respect of a military pensioner will be addressed to an attorney engaged by a pensioner?

(b) Are Government aware that the Officer-in-charge Records, 2/113 Infantry (*vide* his letter No. 2/113/2/1231, dated 19th September, 1927) and Adjutant, 3/9th Jat Regiment, Hongkong, (*vide* his letter No. A./24/1/486, dated 21st March, 1931), gave a ruling to the effect that petitions drafted or addressed by an agent of the pensioner will not be accepted though submitted under the signature of the pensioner?

(c) Will Government please state under what statutory authority the ruling was given in the aforesaid letters?

(d) If the answer to part (a) be in the affirmative, what facilities are provided for the pensioners and their heirs when they happen to be illiterate and ignorant of the designation and location of the war unit in which they served? What consideration, if any, is given to the claimants in such cases against applying the time-limit?

Mr. G. M. Young: Inquiries are being made and a reply will be laid on the table in due course.

MILITARY PENSION CLAIMS.

303. **Sardar Sant Singh:** (a) Will Government please state if they do maintain Casualty Registers in their units for the casualties incurred in the Great War? If so, was it not incumbent upon the Commandants to submit their claims for compensations, in time? Are Government aware that the practice of taking the initiative by the Commandants, in respect of pensionary awards, in majority of cases, deluded the remaining personnel in whose cases initiative was alike expected to be taken by Government, but the same was not taken?

(b) Do Government contemplate redressing the wrong so done by allowing full arrears of pensions?

Mr. G. M. Young: The matter is being examined and a reply will be laid on the table in due course.

MILITARY PENSION CLAIMS.

304. **Sardar Sant Singh:** (a) Is it a fact that after putting in 15 years service, a sepoy is entitled to pension and also entitled to be released from the military service? If so, why should full pensions be forfeited and

disallowed on the ground that the cause of discharge cannot be traced? Is it not the practice to show the cause of discharge on one's discharge certificate?

(b) If not, is not the individual given the benefits of a regular discharge in such cases if the cause of discharge is not shown on account of the negligence of the officials?

Mr. G. M. Young: (a) First portion—Yes, if a state of war does not exist or is not impending.

Second portion—The Government of India are not aware of any such case.

Third portion—Yes.

(b) Does not arise.

MILITARY PENSION CLAIMS.

305. **Sardar Sant Singh:** (a) Is it a fact that an Indian officer after 20 years service is entitled to an ordinary pension and also to be released from the military service?

(b) Is it also a fact that a certain number of these officers were not so released and pensioned, and their term extended in the interest of the State?

(c) Is it true that later on they were dismissed, irrespective of the facts that they were mentioned in despatches by the General Officers Commanding, and irrespective of the fact that but for their retention in the interest of the State, they would have earned an ordinary pension, as soon as they had put in 20 years' service?

(d) Do Government propose to look into such cases, and to arrange that their ordinary pension earned by them be not affected by their retention ordered in the interest of the State?

Mr. G. M. Young: (a) He is eligible for pension and for release from military service, but not necessarily entitled.

(b) Yes.

(c) I am afraid I cannot reply to this question unless the Honourable Member gives me details of specific cases.

(d) No. It is open to an officer who feels that he is unjustly treated to submit a petition through the proper channel. This, when received, is carefully considered by Government.

MILITARY PENSION CLAIMS.

306. **Sardar Sant Singh:** Are Government aware that in cases where the title to a disability pension, family pension or demobilisation pension is established after long correspondence of several years, the practice to grant pensions is from the date of the sanction, which debars the claimant from any arrears at all? Is it not against the practice hitherto followed by the Army Department? What are the reasons for this deviation from the established principles and practice?

Mr. G. M. Young: The general practice is not as described by the Honourable Member. The remainder of the question does not arise.

DEATH OF MR. F. W. ALLISON.

The Honourable Sir George Rainy (Leader of the House): Mr. President, the hand of death is again heavy upon us. This morning, on arrival at the Assembly, I learnt with very deep sorrow of the death of one who was amongst us a few days ago, I mean Mr. Allison. The only news we have on this subject is to be found in the *Times of India*, from which it appears that soon after setting sail from Bombay, I think on the 22nd of this month, Mr. Allison was seized with pneumonia and passed away on the 28th or 29th. Mr. Allison had completed 30 years of service, and I believe was on his way to England with the intention of not returning to India, but of finally retiring. The tragedy of it of course is he never reached the shores of his home but was removed by the hand of death during the voyage. What that must mean to his wife and daughter who were with him on the ship is easy to imagine. Mr. Allison was nominated five times as a Member of the Assembly and twice acted as Chief Government Whip. His contribution to our debates were infrequent, but he always spoke weightily and was always heard by the House with attention and respect. On the official Benches many of us feel we have lost a very close friend whom we shall miss deeply. But his duties as Chief Whip and his kindly personality brought him into touch with Members in every part of the House, and I do not for a moment doubt that the regret is as deep and the sympathy as sincere on the non-official Benches as on the official Benches. I feel it difficult, Mr. President, to say all that I should like to say, and perhaps on these occasions few words are the best. But I am sure that you will be interpreting rightly the wishes of the whole House if you will communicate to the bereaved widow and daughter the expression of our deep sympathy and sorrow.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I rise to associate myself and my party with every word that the Honourable the Leader of the House has uttered. When I came to this House a few minutes ago, I learnt with a shock that Mr. Allison had passed away. Who could have imagined when he left us so hale to look at, that he would soon be removed from the scene of his earthly activities? We, on this side of the House, always looked upon Mr. Allison as a good friend of India, and as the Chief Whip of Government he always impressed us with his genial good manners. We always felt in his company that we were in the company of one who loved India truly and sincerely. His armour was his honest thought and simple truth his utmost skill, and whether in this Legislature or out in the country he was animated by a true spirit of service. When I was in England in 1927, Mr. Allison and I went round the House of Commons, and he was touchingly reminding me of the fact that India would, ere long, have a great Parliament of her own, and if in his retirement India should need his services, he would be very cheerful and glad to work in a self-governing India of the future. His love of India was deep and genuine. He was one of those men who always thought that his place was in this country, to which he gave his very best and the best of us could not have given better. Sir, he was like the Happy Warrior who comprehended his trust and to the same kept faithful with a singleness of aim. Deep and genuine is our grief, for he was one of those great men who has honestly, every minute of his life in this country, served her in a spirit

of service which can never die. Of men like Mr. Allison, it may be truly said:

"Alike are life and death
When life in death survives
And the uninterrupted breath
Inspires good many lives."

Sir, deep is our sorrow, and every one sitting behind me associates himself with every word that the Honourable the Leader of the House has uttered. We deeply sympathise with the bereaved family whose only consolation in their great calamity is that a larger family,—his friends, share their loss.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): I rise to associate myself and the Independent Party with the vote of condolence that has just been moved. It is very rare indeed in any Legislature that on two days running, we should have to move votes of condolence on the death of our Members. I was personally associated with Mr. Allison for a very long time. He was, as you know, a Bombay Civilian. He acted as Legal Remembrancer of Government with great distinction, for a number of years. He also acted as a High Court Judge, and I can personally testify to the very valuable services he rendered to his Government. He was for many years a Member of this Honourable House, and I understand he acted as the Chief Whip of Government on more than one occasion. We from Bombay feel the loss all the more,—if I may say so—having been associated with him for many years and having learnt to appreciate his value and his worth during our long connection. He died under tragic circumstances; he died going home on the eve of retirement. And I am sure the whole House will condole with his wife and daughter who were with him and whom we all knew so well in Delhi. I associate myself personally and my party with this vote of condolence to his family.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, it was a great shock to me when I learnt on entering this House today that Mr. Allison, who was dining and lunching with us only on the 20th of this month, has passed away so tragically. I knew Mr. Allison in the last Assembly when he acted as Chief Whip, and I can fully testify to the fact that his word carried great weight. Everybody who came in contact with Mr. Allison had a great regard for him and had implicit faith in whatever he said. We all believed that he always meant what he said, and in this way he carried great weight with everybody. He was respected not only by the Government supporters and Government Members, but also by the Opposition, and on many occasions in the last Assembly I found that Mr. Allison's personality was the chief cause of getting many people to the side of Government when he talked with them on important questions. Mr. Allison was, I believe, much respected by the Bar Associations of Bombay, and the parties and addresses that were presented to him shortly after his term as a High Court Judge show the respect that the Bombay people and the Bombay Bar had for him. It is a tragedy to lose a friend and one who was always a useful friend in the past. Sir, I associate myself and my party with the vote of condolence which has been moved and I fully sympathise with Mrs. Allison and Miss Allison, who are probably having a very bad time on the boat without any friends.

Mr. Arthur Moore (Bengal: European): Mr. President, we should like to be identified with this motion, and our deepest sympathy goes out to Mr. Allison's wife and daughter.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, I take part in this sorrow that the Assembly has to bear today on the sad death of Mr. Allison. He was a Member of the first reformed Assembly, and since that time we have been great friends. Sir, Mr. Allison was a true model of a member of the Indian Civil Service. He had a genial disposition and temperament, and his death has left a great void. It is difficult to find a gentleman of such a high order. He was in the Bombay Civil Service, where from a Magistrate he rose to the Secretariat and by dint of his learning and knowledge of law, he was raised to the position of Legal Remembrancer to the Government of Bombay. I had very often legal discussions with him on several points that cropped up in this House and I found him a great authority on these matters. He was finally elevated to the High Court Bench in Bombay. Sir, we also mixed with him socially, and with his little daughter whom we miss today but who was a familiar figure in this Assembly building and who used to paint pictures here. Sir, only yesterday we were mourning the death of one of our old Members and it is very sad that within 24 hours we have to mourn the loss of another Member. Mr. President it is a great loss. In private talks I found that he was a pro-Indian reformer. He had good intentions and sympathised with India's aspirations. If he had lived for a few more years, he would have been a great acquisition for the future constitution of this country. I join with the Leader of the House and the Leaders of other parties and associate myself with them in the feelings that they have expressed. It is only fitting that a Resolution like the one moved by the Leader of the House should go over your signature, Sir, to the members of the bereaved family—his wife and daughter, and probably his son, who might be in college. With these few words, I support the Resolution moved by the Leader of the House.

Mr. President: The Chair wishes to associate itself with all that has fallen from Honourable Members in lamenting the sad loss which has been sustained by the passing away of Mr. Allison. It is tragic to contemplate that Mr. Allison was here only a few days ago, participating in public service for which this Assembly is called into being. Mr. Allison was a Bombay Civilian and as such we have all come in direct contact with him. We admired his charm of manner and his judicial temperament which resulted in his making many close friends from amongst all those with whom he came into contact. It is indeed a sad loss which has been sustained, and the Chair wishes only to add that it will communicate the unanimous feeling, in the House, of sorrow and sympathy for the members of the bereaved family.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir George Schuster (Finance Member): Sir, I lay on the table the information promised in reply to starred question No. 725, and unstarred question No. 73.

STATEMENTS LAID ON THE TABLE.

2671

APPOINTMENT OF SIKHS IN THE CURRENCY OFFICE, LAHORE.

Starred Question No. 735.

- (a) Yes, except that the number of Hindus is now 56.
- (b) This is a matter of opinion. No specific proportions have been laid down by Government for the various communities.
- (c) Instructions for securing the appointment of members of minority communities have been issued and no further orders are considered to be necessary.

APPOINTMENTS IN THE INCOME-TAX DEPARTMENT OF BIHAR AND ORISSA.

Unstarred Question No. 73.

- (a) The numbers are—Inspector Accountants 11—Ministerial officers 25.
- (b) The ordinary rule is that Assistant Commissioners are authorised to make clerical appointments in Income-tax Offices, subject to the general control of the Commissioner of Income-tax. The appointments were advertised in the *Indian Nation*, the *Utkal Dipika* and the Local Government Gazette.
- (c) The number of applicants was as follows:—

	Hindus.	Moslems.	Christians.	Total.
Inspector-Accountants	233	57	8	298
Clerks	330	74	6	410

(d) 9 of the appointments of Inspector-Accountants were estimated to last for a period of 15 months, and of these two were given to Moslems, the other two (which were expected to last for three months) were given to Hindus.

Of 10 clerical appointments resulting from the lowering of the taxable limit, filled by the Assistant Commissioner, Ranchi Range, one was given to a Moslem, and of 15 similar appointments in the Patna Range, 4 were given to Moslems.

(e) These appointments were reported to the Commissioner of Income-tax in due course and approved.

(f) As the Honourable Member is aware, the orders laid down by Government require that one-third of the vacancies should be filled from minority communities, but no percentage has been fixed for any particular minority community. I have examined the figures and am satisfied that the orders have been observed, and that Muslims have obtained an adequate share of the appointments.

ELECTION OF MEMBERS TO THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. President: Honourable Members will now proceed to elect six non-official Members to the Central Advisory Council for Railways. There are 9 candidates whose names are printed on the ballot paper which will now be supplied to Honourable Members in the order in which I call them.

(The Ballot was then taken.)

THE BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY)
BILL—contd.

Mr. President: Further consideration of the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, as reported by the Select Committee.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muham-Madan Urban): Mr. President, if I take part in this debate, it is because I have still a lurking hope that the arguments advanced on any side of the House may have some bearing on decisions which the House may come to. (An Honourable Member: "Then you have a moderate mentality?") I support the amendment moved by my friend Mr. Sitaramaraju, which I believe is a very moderate and a very modest amendment, which is to add the proviso, "Provided however that the procedure laid down in the Act has been complied with". It seems to me that, unless the Government take an absolutely unreasonable attitude, there can be no question that this amendment is a justifiable amendment. There are various powers given under the Criminal Procedure Code to the Local Governments and to officers of Government. What method of check do the Government propose in order to see that the very procedure that has been prescribed by that Act is followed? If they take away, by section 4, the right which the accused has got to invoke section 491 of the Criminal Procedure Code, what else is left to him in case any officer does not follow the mandatory provisions of the Bengal Criminal Law Amendment Act? It is required that no person shall be detained in custody under this section by an officer of Government for a period exceeding 15 days, save under a special order of the Local Government. Supposing a person is detained for a period exceeding 15 days and the Local Government do not pass a special order under that section, then what is to happen? Then again, in any case an officer cannot detain any person for a period exceeding one month unless an order under section 2 is passed by the Local Government. Supposing the Local Government do not pass an order under section 2 and the detention continues, has the detained person no right at all? The amendment proposes only to deal with those particular methods of procedure which have been prescribed under the Act and which have been made mandatory by the provisions of the Act for the officers and the Local Governments to carry out. Again under section 2, in the first proviso, it is said that the Local Government, at the end of one year from the date of making the order, shall review its order and that it shall not remain in force for more than one year unless, upon review, the Local Government directs its continuance. Suppose some Secretary or some official in the Government forgets to put up the file before the Home Member of the Local Government, and that the review contemplated by this proviso is not made, has the detained person no right at all in this matter? You are choking off all his rights, if by means of this section you deprive him of his fundamental right under section 491. The scope of the amendment of my friend Mr. Raju is very much narrower. Perhaps there was something in what the Honourable the Home Member said yesterday, though, so far as I am concerned, I must confess I was not convinced, but even granting all the arguments that the Honourable the Home Member advanced yesterday, I still venture to think that the restricted scope of the present amendment makes it absolutely clear that to this extent the right of the detained person should be assured to him by the Act.

(2672)

I should like to address the Honourable the Home Member and the Treasury Benches and all those who sit on that side of the House on a wider issue than that covered by the present amendment. I want them to look at the amendment from the point of view from which some of us look at this question. We have moved a series of amendments with reference to this Criminal Procedure Bill. I admire the pertinacity with which Members on this side of the House, in spite of the most discouraging statements that have been made by the Honourable the Home Member and the discouraging evidence all round of their capacity to carry these amendments, have still persisted. There is a moral behind that persistence, which I want the Honourable the Home Member to realise. I want this Government to realise that they must have some amount of imagination with respect to these matters. Now, we are fighting the terrorist movement. Both sides of the House are agreed that this movement should be done away with as early as possible, and we were therefore willing to allow the Bill to go before Select Committee and to get it back from the Select Committee with such possible amendments as would ensure fair treatment to the detenus to have this Bill passed into law. But then there is one supreme consideration which I want the Treasury Benches to bear in mind. There ought not to be the feeling in any section of the House, much less in the public mind, that any idea of vindictiveness lies behind either the Treasury Benches or the Government or any section of this House in its treatment of these detenus. Amendment after amendment, which sought to give some convenience or other to the detenus, has been opposed by the Government. This is the last amendment, and therefore I take this opportunity of putting forward what I may call not an appeal but a special claim for the consideration of the Honourable Members of this House. In this fight against terrorism, let us remember that the class of people who have to be converted are not the terrorists, but the middle men, the men in the street, without whose co-operation it will be absolutely futile for any Government to expect this movement to die down.

Mr. President, it was my privilege within a few weeks back to be present in the Bengal Legislative Council when a discussion on this identical subject took place. I was indeed present when the new Act was passed there by the Legislative Council,—the Bengal Criminal Law Amendment Act,—and in connection with the terrorist movement, a Member of the Legislative Council, Mr. Jitendralal Bannerjee made a statement of the utmost significance which I should like my Honourable friend the Home Member to realise the implications of. Mr. Bannerjee said that it is not sufficient that here and there, at a public meeting at one place, at a public gathering at another, at a Legislature in Bengal, or an Assembly at Delhi, a Resolution should be passed condemning the terrorist movement. What is required is that in the Bengal society the idea must go forward that this terrorist movement should be stamped out. In the houses, in the homes, in the clubs, in the family gatherings, talking to the children,—there it is that the campaign has to be carried on so that this terrorist movement may not survive in Bengal. I ask my Honourable friend the Home Member, who evidently appreciates these sentiments, what he has done to encourage those people who want to stamp out this terrorist movement. Your Acts, your Statutes, are absolutely innoent unless you get public opinion behind you. Seven years of the Bengal

[Diwan Bahadur A. Ramaswami Mudaliar.]

Criminal Law Amendment Act, followed by an amending Act in the Legislative Assembly, certified or uncertified, has had very little effect on the movement. We now come to another stage, and I want my Honourable friend the Home Member to realise what was behind this certification. Unless you get public opinion behind your laws, unless you are able to convince public men that in the treatment of terrorists, while they do not in any way yield to their desire to stamp out terrorism, they are also not coerced into an attitude of unfairness towards terrorists—unless you do that, all your Acts will be of no avail.

Take your own certified law of the other day. What wonder if that law has failed to achieve its purpose? What is the public opinion behind a law which is certified, and which has not been passed by the willing acceptance of Members of this House, and if, today, this amending Bill comes before the House, and amendment after amendment is defeated by the Honourable the Home Member and the host behind him, what is the opinion of the public with reference to this amending Bill? Through the whispering galleries of the Eastern and Western Bengal, the word will go round that so far as these terrorists are concerned, it is not an attitude of fairness that the Government has taken up, but an attitude of vindictiveness, that the most reasonable amendments have been defeated by means of the Government whip and by the Government strength. What will be the reaction? Where will be that opinion which you want, which must necessarily regiment in your favour? If you want to fight this movement, you must not only get the public opinion by you at public gatherings like these, but in private circles, in family circles, in educational associations, in institutions all over the country. On the other hand, will not the reaction of that public opinion which feels that every single thing that is suggested by however reasonable a Member, by whosoever a Member who is least connected and farthest removed from the terrorist movement is not supported, is not accepted by the Government—what will be the effect of that opinion? I want my Honourable friends over there to have a little imagination with respect to this question. They are very practical men; my Honourable friend Sir James Crerar has a reputation for practicality. But, Sir, there is something higher than practical wisdom; there is that capacity to imagine, there is that capacity of seeing things which are not apparent to one's nose, and that is the capacity which I should like to invoke the Honourable Members of the Government to have, so that they may realise the situation as it presents itself to us on this side of the House. My Honourable friend sits up straight like a dart, gives his reply that Government are not able to accept the amendment. Whatever the amendment may be, whatever the reasoning may be, his attitude is made up, the Government attitude is made up, and he comes forward and says, we are not prepared to accept it. I have been sitting for two days in this Legislative Assembly while this dreary process of passing the Bengal Criminal Law Amendment Bill has been going on. I have been watching the Honourable the Home Member and the other Members on the Government Benches, and there is one oppressive feeling that has come unarmost, one song has been drumming in my ears, the song of that great Scotch poet, Oh, that they had the power to see themselves as others see them. I wish the Honourable Sir James Crerar sometimes could have

the imagination to see himself as we see him. We are full of admiration for him. He fights every cause in the same way, often recalling to our minds Don Quixote that tilted at the windmills. (Laughter.) I ask him, when he carries with his speech, and more with his steps, the light brigade behind him, whose is not to reason why, but whose is merely to march and vote in the Noes lobby against every amendment of the Opposition—when he marches to the Noes lobby and takes them with him, I ask him, is he serving the cause which he has dearest at heart, which the Government have most keenly at heart—the cause of trying to see that this terrorist movement is put down? This is an amendment, the rejection of which can create only one feeling in this House, and one feeling in the country. Somehow or other, it will marshal sympathy with the terrorists, far from taking it away from them, and I venture to say as a friend of the Government, as one who does not wish the terrorist movement to continue, as one who abhors this movement, I ask the Government even at this late stage to reconsider their position. My Honourable friend to my right the other day said that I was making vain appeals to the Government. I am not for that mendicant policy. The association of the party, the honourable name which it bears must preclude in any reasonable mind the idea that any one of us could be associated with a policy of mendicancy. But I have taken the oath at that table to do my duty to my King and to my country, and I believe in the discharge of that duty it is for me to tell the Government, even at this stage, that they are bungling, that they are making mistake after mistake, they are alienating the sympathies of the best, the most moderate, and some at least of the wisest in the land by their attitude. They have got their regimented majority. Are they going to use it willy-nilly, in every case, whatever the argument may be, whatever the strength of our case may be, whatever the weakness of their defence may be? That way lies ruin. That way lies shattered kingdoms and shattered governments; and I say even at this late stage that it is up to my Honourable friend to realise that there will be nothing but a feeling of hopelessness if every amendment in connection with this Bill is defeated. Then what will happen? Instead of getting one single Member on this side of the House to bless the Bill on the third reading and say that we have taken our courage and put on the statute some Bill which will have a deterrent effect, you will have Member after Member getting up and saying that Sir James Crerar has given a parting kick, which is a bitter legacy to this country, and I shudder to think of the consequences on that movement which you and I and all of us on this side are anxious to clinch so far as Bengal or any other part of this country is concerned.

I am not making a speech merely for the sake of making it. I feel convinced that the Government are wrong. Even the little amendments which have been moved—to have in this Bill a clause to the effect that a certain amount of rise should be given to the Bengal detenus—my Honourable friend uses all the great strength of the Home Member of the Government to defeat that amendment. We wanted to have a small Assembly Committee to be appointed so that he and his successor may be in a better position to vindicate their activities at Deoli or in any other place. My Honourable friend uses the great majority that he has to veto it. And surprise of surprises, Mr. President, I can attribute it to nothing but want of imagination when the hordes behind cheered my Honourable

[Diwan Bahadur A. Ramaswami Mudaliar.]

friend for the Pyrrhic victory that he has won in defeating these amendments.

Let me turn for a moment to the sole representative of the most powerful party in the Legislative Assembly who sits in his place, my Honourable friend Mr. Arthur Moore. His gallant band is not behind him to-day, but I am certain that when the division bell rings they will come trooping in, not one single soul missing. I want to address a few words to my Honourable friend, Mr. Moore, the statesman that he is; I want to tell him that the path of statesmanship lies in getting through a Bill a little modified here, a little whittled down there, but getting it through, nevertheless with the consent of the non-official Members of the Assembly and not against them. Will he be prepared to advise this Government? I am appealing to him and not to the Government, because I know he and his community carry greater weight in this topsyturvy world with the Government and the Treasury Benches than any of us can, and I want him to realise the fact of carrying through these measures by the dead weight of official and other kinds of majority and not allowing us to feel that our conscientious efforts in trying to improve the Bill, not in favour of the terrorist but in favour of that large mass of people, fair-minded middlemen who hold no brief for the terrorists at all, but who feel that justice and equity must be done, have been accepted. I ask him whether on their behalf he would not join with us on this one single occasion, and I can assure him that he will not repent it. Whoever takes that advice, whether it is the Government or the European Group, we feel that we must do our duty by the Government and not by the terrorist, by the middlemen and not by the terrorists, and try to see that this amendment is accepted by the House, or know the reason why the Government will not accept it.

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): I feel that I should not vote on this amendment silently, as I have done on other items. This is a provision which I think is only bare justice to the people concerned. It does not ask anything more than that the procedure laid down in the Act should be complied with otherwise there should be a legal remedy. I hope that the Home Member will see the reasonableness of the amendment and accept it without going to a division. I am not so eloquent as my friend Mr. Mudaliar is but I associate myself with every word that he has uttered in favour of the amendment. With these words I wholeheartedly support the amendment of my friend Mr. Sitaramaraju.

Mr. T. N. Ramakrishna Reddi (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, my Honourable friend Mr. Mudaliar has strongly appealed to the sense of reasonableness and imagination of the Home Member, so that he may accept this amendment. I support this amendment from another point of view, that is from the legal aspect of this question. It is a fundamental principle of legislation that every enactment should be clear, distinct, unambiguous and unequivocal. If that is accepted, I request the Home Member to apply that principle to the enactment of this clause, viz., clause 4 and see if it satisfies that principle. There has been so much ambiguity with regard to the tenor and purport of this particular section. The Honourable the Law Member

stated that nothing new was being enacted and that he was only following what had already been laid down in sub-section (3) of section 491 of the Criminal Procedure Code. There the power of the High Court has been taken away in connection with certain regulations. He said that "Nothing in this section applies to persons detained under the Bengal State Prisoners Regulation" and various other regulations and he goes on to say that in those cases it is not the High Court which has got the discretion, but it is the Government who have got the discretion. Then he says that the discretion in all these cases must vest with the executive Government and not with the judiciary. As he said yesterday, they want to substitute executive discretion for judicial discretion, and he further went on to ask whether that discretion was any more serious than the discretion to detain a man indefinitely without trial. "If you can swallow detention without trial, you must also swallow this." It is clear from the point of view of the Law Member that there should be no discretion left to the High Court with regard to any detenus under the Bengal Criminal Law Amendment Act. The will of the executive must be supreme, and no High Court, either in India or elsewhere, should interfere. In a word they want to substitute executive discretion for judicial discretion. If the Law Member had said that, there would have been no ambiguity at all and the amendment of Mr. Raju would have been unnecessary. But, after saying this as member of the Government, his legal instinct gets the better of him and then he quotes with approval the opinion of another eminent jurist, the Advocate General of Madras, and says that in cases where the detention is illegal, the High Court has power to interfere, and where the detention is legal, the High Court has no power to interfere. He said that the Advocate General deals with a person who is legally in custody, that is, is detained in strict observance of the law. It may be good law, bad law or indifferent law. We are not concerned with it. He is lawfully in custody, and section 491 would not come in. In that case the High Court's power is taken away. Then he says that what the Advocate General says is this, that if the detention is illegal, the High Court has jurisdiction but if it is legal, never mind, whether that legality has been sanctioned by an obnoxious law, even so, the power of the High Court is gone. Then he quotes the opinion of the Advocate General and says that if the detention is illegal, it does not accord with the provisions of this Criminal Law Amendment Act, however obnoxious that law is, and the High Court has power to interfere. Then in reply to an interjection by Sir Abdur Rahim, the Law Member said that if the detention is illegal, the High Court can interfere. This we consider his considered opinion. He has voiced two opinions with regard to the scope of this section. The first time he said it is pure unalloyed executive discretion and that the High Courts have nothing to do with it and then he comes back to another opinion and says that if there is illegal detention, the High Courts can interfere. I am drawing attention to this ambiguity. It is to remove this ambiguity that this amendment has been proposed. This amendment simply says, "Provided however that the procedure laid down in the Act has been complied with". It does not want to take away section 4 altogether. It wants to add only this proviso to make the scope of the section much clearer and unambiguous.

Sir, in this connection I have to state that the Honourable the Law Member has left the House with the impression that the Honourable the Advocate General, Madras, has stated in the opinion given by him that the

[Mr. T. N. Ramakrishna Reddi.]

High Court has power to interfere in all illegal cases of detention. I say that is not so. That is not what the learned Advocate General has stated. What he says is this:

"If the conditions of the statute are satisfied, the detention is lawful and the High Court will not exercise the jurisdiction under section 491 of the Criminal Procedure Code. If on the other hand the detention is unlawful because the conditions of the statute have not been complied with or the order has not been passed, say, by the proper authority, there is no reason why the subject should be deprived of his remedy under section 491 and the principle obtaining in every part of the British empire, viz., that a person has a right to be protected from illegal imprisonment should be departed from in this country. . . ."

Mr. President: Does the Honourable Member think that the House has not already sufficiently heard the Advocate General's opinion which has been frequently quoted?

Mr. T. N. Ramakrishna Reddi: I am only quoting it, Sir, to show . . .

Mr. President: It has been quoted repeatedly before the House.

Mr. T. N. Ramakrishna Reddi: I just want to show that the Advocate General has on the other hand stated that this power is taken away by the enactment of clause 4. Why should it be taken away in this country while it remains in all other parts of the British Empire? That is the gist of the opinion of the Advocate General.

Mr. President: The House has decided to retain clause 4 and has rejected the amendment to omit it.

Mr. T. N. Ramakrishna Reddi: I quoted the opinion to show, Sir, that it was not exactly what the Honourable the Law Member had stated it to be, and to show that there is so much ambiguity existing with regard to this section. To clear up this ambiguity

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): You are putting the horse behind the cart.

Mr. President (to Mr. T. N. Ramakrishna Reddi): Please go on.

Mr. T. N. Ramakrishna Reddi: Sir, if it is the intention of the Government to clear up the ambiguity and retain the power to the High Courts to interfere in cases of illegal detention, then there is absolutely no reason why the Government should not accept this amendment. On these grounds, Sir, I support this amendment.

An Honourable Member: I move that the question be now put.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, I wish to say very few words on this occasion because in the previous debate I made the position of this part of the House quite clear. Sir, as has been pointed out by my Honourable friend, Diwan Bahadur Mudaliar, the amendment now before the House is really a very modest one; and it is not only modest, but I venture to think it is extremely reasonable, and a great deal depends on the attitude of Government towards this amendment as to whether Honourable Members on this side of the House will support the third reading of the Bill or not. Sir, we

made our position absolutely clear from the very beginning as regards the Supplementary Bill. We expressed, time after time, our detestation of terrorist crimes, and we gave every support to the Honourable the Home Member, as representing the Government of India in this House in order to pass any reasonable measure by which this terrorist movement could be suppressed. I do not know whether the Honourable the Home Member or any of his colleagues in the Government have any sort of doubt as to the *bona fides* of this part of the House in this matter. Sir, we are not all irresponsible people. We also here have men who have held responsible positions in public life, and we can understand also the drift of any measure—what will be the effect of such a measure on the country. I do not think Government can claim that they are always in the right and that we are always in the wrong, and yet is not that the attitude that they have taken up on this occasion? Can it really be said that whatever the Government do or say is right, and that anything coming from this side is absolutely wrong or to be suspected? As has been pointed out, several amendments of a very very modest character indeed have been moved. We wanted for instance that in the Act provision should be made for making rules in order to ensure fair and reasonable treatment of the detenus. That was rejected. The Home Member would not accept it. Then we also moved that the Government ought to appoint some Members of this Assembly as visitors of this detention camp or prison or whatever it may be called. Even that was not accepted. Now could not the Government appoint any two or three Members from among so many Members of this House who could be trusted to go and visit these detenus in their places of detention and report to Government what they actually found? That also, Sir, was rejected.

Now look at the importance of this present amendment. It is a modest amendment but a very important amendment. Unless Government want that people should be detained and imprisoned for an indefinite period, not only without trial but without Government having conformed to any of the provisions of the Bengal Criminal Law Amendment Act, our amendment should be accepted. Otherwise it really comes to this; you authorise officers of the Local Government, carrying out the orders of the Local Government, to do whatever they like with any person they please and arrest him and detain him. Is that really the intention of the Government of India, or of the authors of the Act? Surely that cannot be the intention. Sir, there is a very great difference between the High Court reviewing the merits of a case, and the High Court seeing that the provisions of the Act, the procedure laid down in the Act, have been carried out. There is no need to tell the Honourable the Home Member that there is a vast difference. We do not say,—at any rate that is not the scope of the amendment—that the High Court should be authorised to judge every case on its merits, that is to say whether there is sufficient evidence or not to justify a particular detention. That is not the scope of the amendment. All that the amendment seeks is that the High Courts should be in a position to see that the procedure laid down in the Bengal Criminal Law Amendment Act was conformed to before any action has been taken. Otherwise, Sir, you are now leaving an absolutely free hand to the executive authorities to do with any person whom they suspect of being concerned in any terrorist movement whatever they like. Surely that is not what is wanted; and we really are not in any way trying to weaken the effect of the enactment.

[Sir Abdur Rahim.]

All that we do is this; we say, in selecting your men for detention or imprisonment, follow the provisions laid down by the Act. That is all that we are asking for. I do not know what the Honourable Member in charge of this Bill will say, whether he is prepared to accept this amendment or not. But I would appeal to him and I would repeat the appeal that has been made by Diwan Bahadur Ramaswami Mudaliar, that the Government by their attitude ought to convince the general public that they are not unreasonable and that they mean only to strike at the terrorists, or rather men whom they suspect to be terrorists, according to their own enactment and according to the provisions of their own law. We want the Government of India to convince the public that they have no ulterior motive behind this Bill. Surely, the Government ought to have no difficulty in giving us an assurance by accepting this amendment that their only object is that certain suspected persons should be detained according to the requirements of the Statute and nothing more. If they are not in a position even to give us that assurance by accepting an amendment of this sort, then we are put in a very false position.

Sir, yesterday the Honourable the Home Member said that this House had allowed the Bill to go to the Select Committee; therefore, the House has accepted the principle of the Bill. But it only means that the executive authority can arrest and detain a person at their discretion as long as they conform to the provisions of the Bengal Criminal Law Amendment Act. But, he argues that the House is not at liberty now to question any of the clauses of the Bill. That, I submit, is neither a logical nor a reasonable attitude to take up. This House, by allowing the Bill to go to the Select Committee, made it clear,—at any rate, we, the Members on this side of the House, made it absolutely clear,—that, if certain proposals of ours were not accepted, we should be at liberty to throw out the Bill altogether if we could.

Now, Sir, another point was made by the Honourable the Home Member, namely, that the majority of the Select Committee reported in favour of the Bill. But we have heard from the Chairman of the Select Committee, Sir Hari Singh Gour, that he did not mean by not appending a dissenting note that there were no provisions in the Bill which could be amended. He made it clear to us that he felt, rightly or wrongly, that as a Chairman he was muzzled. He could not speak out nor could he write a dissenting minute. My friend, Mr. Sitaramaraju did append a dissenting minute as regards this clause. Therefore, so far as we are concerned, our position is perfectly consistent in pressing this amendment for the acceptance of the Government and if we fail in that, we shall be at liberty to reconsider the whole position towards the Bill.

Mr. C. C. Biswas (Calcutta: Non-Muhammadian Urban): Sir, I will just add a few words to show why I consider this amendment to be very necessary. As Sir Abdur Rahim has pointed out, it is a very simple amendment and it does not ask for much. It merely requires that the procedure laid down in the Act shall be followed. Sir, by its vote the House yesterday did enthrone "executive judgment", supplanting "judicial judgment", as the Law Member put it. Are we now to understand that executive action is not to conform even to the provisions of law? If this amendment is not accepted by the Home Member, it will mean that the Government

with their eyes open will sanction deliberate non-compliance with the provisions of this Act on the part of their officers. Are they prepared to accept that position? No doubt the Honourable the Law Member pointed out that in his opinion recourse to the High Court is always open, if the detention or the arrest is not in accordance with this Act. If that be so, there is no harm in accepting the amendment. If, on the other hand, my friend the Home Member is not prepared to share Sir Brojendra's opinion, then it means that he will knowingly sanction an illegal act. Sir, what is the effect of that? Section 491 is suspended, which means that an aggrieved person cannot apply to the High Court even for the purpose of showing that the arrest was illegal. That would not, however, automatically make an illegal act legal; merely because the right to question the legality of an action is taken away, it does not follow *ipso facto* that the act becomes a legal act. If the act is illegal in the sense that it is not in conformity with the provisions of the Act, I think there ought to be left some remedy to the aggrieved person, even if he cannot apply under section 491, either to sue the person who makes the arrest or to prosecute him in a criminal court. If it could be said that such remedy was open to the party, I should not mind the Home Member opposing this amendment. Unfortunately, Sir, if you look at section 14 of the Bengal Act, you will find therein provided "that no suit, prosecution or other legal proceeding shall lie against any person for any act which is in good faith done or intended to be done under the Act". Mark the words "intended to be done". So, that protects an officer not merely from anything which is done, but which is intended to be done. The words are very wide. If these words were not there, and if it was open to any party to proceed against any person who makes the arrest on the ground that the arrest is illegal, I should not, as I have said, insist on this proviso. Then, Sir, if you will look at the terms of clause 4, you will find the following words:

"The powers conferred by section 491 of the Code of Criminal Procedure, 1898, shall not be exercised in respect of any person arrested committed to or detained in custody under the local Act."

It does not use the words, "purporting to be arrested, committed or detained". Clause 4 itself, therefore, contemplates that the arrest or committal or detention must be a legal arrest, a legal committal or a legal detention. If that be so, where then is the objection to accepting the amendment of Mr. Sitaramaraju? But as I said, the more important thing is that, having regard to section 14 of the Bengal Criminal Law Amendment Act, which gives a complete indemnity not merely in respect of acts done under the Act, but in respect of acts intended to be done under the Act, a safeguard like this is very necessary.

The Honourable Sir James Crerar (Home Member): Mr. President, I must confess to a certain sense of grievance and injustice that before Honourable Members opposite heard what I had to say on this amendment, they are prepared to charge me in advance with an attitude of complete unreasonableness. In that charge it was further alleged against me that I had shown complete unreasonableness because I have unfortunately felt myself called upon to oppose two or three of their amendments which have already been disposed of by the House. But I would ask Honourable Members to recall that I did on each occasion give what I, at any rate, thought to be very good reasons why I could not accept those amendments.

[Sir James Crerar.]

With regard to the general appeal of Sir Abdur Rahim and the weighty and eloquent admonitions which have fallen particularly from Mr. Mudaliar—with regard to these general observations, in respect of a good deal of the contents of which I myself am in considerable agreement, I shall have to say a word or two before I conclude. I wish to deal, in the first instance, with the difficulties, the very serious difficulties of law and of practice, by which I find myself confronted in this, as it has been represented, quite trivial and innocuous amendment. In the first instance, though I do not wish to press this point, I must nevertheless recall that the amendment presents a preliminary difficulty because it does not specify to what particular Act the proviso is intended to refer.

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam: Non-Muhammadan Rural): It is the Bengal Criminal Law Amendment Act.

The Honourable Sir James Crerar: That I understand is the intention of the Honourable Member. By the Act, he means the local Act. Very well, I will pursue my argument a little further. The amendment proceeds on the assumption that it is possible to draw a perfectly clear and definite line between matters of procedure and matters which are matters of substance or of merits. That, Sir, is where my difficulty comes in.

Sir Abdur Rahim: That is done every day in the High Court.

The Honourable Sir James Crerar: I wish to emphasise this point more particularly with reference to the argument which fell from my Honourable and learned friend, Sir Abdur Rahim. I understood him to say that he regarded the purpose of this amendment not to be to give the High Court the power of intervening on the merits but merely to secure that the procedure enacted by the Act is duly and legally followed. Now, it is precisely on that point that my difficulty arises. In so far as the operation of section 2 of the local Act is concerned, the position appears to be fairly clear, that is to say, that if an order is passed by the Local Government under section 2 and if the contents of and directions in the order are in accordance with the prescriptions of the Act, then I take it that no High Court would think of going behind the order. That, at any rate, is my own view. But the position with regard to section 4 is different. Section 4 provides that any officer of Government authorised in this behalf may arrest without warrant any person against whom a reasonable suspicion exists. That section differs very materially from section 2, because whereas in section 2 when the question of opinion arises, it is expressly provided that that shall be the opinion of Local Government.

Sir Abdur Rahim: There must be an order in writing.

The Honourable Sir James Crerar: I am on the point of opinion. Section 2 prescribes that where the question of opinion arises, it is the opinion of the Local Government. In section 4 there is not the same analogous provision, that it must be the opinion of the authorised officer that a reasonable suspicion exists. No, the question of reasonable suspicion is

not so qualified. Therefore, according to my view of the case, the question of the existence of a reasonable suspicion is inextricably bound up with the question of the further action which the Officer takes in pursuance of his view with regard to reasonable suspicion. That is to say, the reasonableness of the information upon which he holds a suspicion and on which he proposes to take action. Now, Sir, that being so, and if my view of the section is correct, it will be possible for a person, who has been arrested and detained under section 4, to apply for a writ under section 491, Criminal Procedure Code, and if the Court took the view which I am told may very well be taken on the grounds which I have mentioned, then the whole question of the merits would definitely come into question. It would be possible—this is the view which I desire to press upon Honourable Members—it would be possible if that view is correct, that when a question of procedure under this particular section 4 is in debate, the Court may require the Officer to satisfy it that there was reasonable suspicion based upon information and evidence. Consequently the whole of the practical difficulties which are involved in the *habeas corpus* jurisdiction in respect of this Act would arise, and not only that. I have already had occasion to point out to the House that action under section 4 is one of the most important of the powers contained in the local Act. I gave reasons to show that this provision, section 4, had on frequent occasions led to the rapid and prompt arrest of the persons concerned, that the police and the executive Government of Bengal had recourse to the aid of the provisions of this section in order to prevent the commission of terrorist outrages. That is a very serious danger of which I have to warn the House, and I think the House will allow, that in impressing that point of view on the House, I am not acting from an unreasonable motive of mere obstinate resistance to every sensible and modest proposal which is made. I have the very gravest apprehension with regard to this matter. Further I should like to point out this, the clause of the Act as it stands is, of course, precisely parallel to sub-section 3 of section 491, Criminal Procedure Code. It is intended to operate in precisely the same way but in respect of a different category of cases. Now, there is no such proviso as that proposed in this amendment attached to section 491. If, therefore, the corresponding and parallel provision in this present Bill does contain that proviso, I submit that the normal canons of interpretation suggest that it imports something new, something material and something substantial.

I hope, Sir, I have said enough to convince Honourable Members opposite that my attitude in this matter is not unreasonable, but I am confronted with very serious difficulties. If I accept this amendment on behalf of Government, I should create a situation of great danger, with the possibility of the purpose of the Bill being defeated in respect of one of its principal provisions.

Sir Abdur Rahim: May I ask one question? Does not the High Court, as a matter of fact, every day discriminate between questions of procedure and questions on merits? The High Courts do it every day and it is a well known fact.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): The Honourable the Home Member has no experience of High Courts, though he is controlling the destiny of all High Courts.

Clause 5 was added to the Bill.

Mr. President: The question is that clause 1 stand part of the Bill.

Mr. B. Sitaramaraju: Sir, I move that to clause 1 the following be added at the end:

"It shall remain in force for a period not exceeding three years."

In moving this amendment, it is my desire that we should have on record the opinion expressed by the Honourable the Law Member the other day as regards the extent of this Act. The original Act was to extend up to 1935. No specific period has been fixed for this extending Bill. In view of the fact that under the General Clauses Act no specific provision occurs in this regard, it is found necessary to have the opinion of the Government whether, if the Bengal Act were to extend indefinitely afterwards without reference to this Legislature, this extending Bill also would have the same extent. The Honourable the Law Member the other day expressed a different opinion. I do believe that the opinion expressed by the Honourable the Law Member was quite accurate; but in view of the fact that the antecedent course taken by the Bengal Legislature was different on this point, I thought I would like to have this point cleared in this debate. Sir, I move.

The Honourable Sir James Crerar: Mr. President, I do really hope that it will not be imputed to me for unrighteousness if I am constrained to oppose this amendment, for reasons practically the same as those which I laid before the House when an amendment relating to the duration of the clause was raised on clause 4. The object of this Bill is to supplement the local legislation, and I should like to point out that the Act which the Bill is designed to supplement has already been in operation for about a year and a half, and has three years and some months to continue. But, I think it must be obvious that the Supplementary Bill, as I urged before, must be coterminous and synchronous with the local Act, otherwise we should be preparing the possibility of a very serious and inconvenient and even dangerous position, if unfortunately that Act were still in force $3\frac{1}{2}$ years hence. All the provisions we make in this Bill to supplement the local Act, would, after that period, expire

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): May I ask the Honourable Member a question? If the local Act is extended, will the Government of India have to come back to this Honourable House with a new Bill?

The Honourable Sir James Crerar: That is a point of law, Sir, on which I confess I am not in a position to give an authoritative opinion.

Sir Cowasji Jehangir: But surely the Honourable Member by the Legislature to assure this House that if the Local Act we can and what they own Act, they will come back to this House important in the way of legislation. That is a question of policy; surely own appeal to the House to advise Government on that point. of this Bill.

An Honourable Member: And the Government side!

Sir Lancelot Graham (Secretary): proviso be added: I do not know whether I shall be able to satisfy what angry friend on the Government side require a lawyer; but that it is rather a tricky point.

the view that, in the manner in which we make amendments, that is, *in situ*, this act will be co-terminous with the local Act, if that is extended by amendment. But the Honourable Member will see that is a point of law and a very nice point of law, and not the sort of point of law that turns up every day in the courts with which practitioners are familiar. I do not think that the Honourable Member is entitled to say it is a matter of policy.

Sir Cowasji Jehangir: What is the position of Government then? Are Government in a position to give an assurance that if the Bengal Council extend their Act, they will come back to this Honourable House, whatever the law may be?

An Honourable Member: There is the Law Member!

The Honourable Sir James Crerar: I really must ask the House to accept the fact that not being a technical lawyer myself I cannot put myself forward in that capacity and give what purports to be an authoritative legal opinion, when I know perfectly well that my opinion is not authoritative

Mr. C. C. Biswas: May I ask my Honourable friend, when part I of the Bengal Act of 1925, the part which dealt with special tribunals and appeal to High Courts, was re-enacted or continued by the Bengal Council in 1930, whether or not the Government of India introduced fresh legislation here to re-enact the corresponding provisions of the Supplementary Act? They did not; as soon as the Bengal Act was extended, the Supplementary Act was automatically taken to be continuing. That is pointed out in the Statement of Objects and Reasons.

The Honourable Sir James Crerar: The answer to the Honourable Member's question is that he is correct. No supplementary Bill on that restricted portion of the local Act was at that time introduced into this Legislature. I maintain and I seriously urge upon the House that it is obviously a necessary thing, quite apart from the technical legal point

[Sir Cowasji Jehangir.]

in the same terms, then my submission is that this measure which we are considering now will not attach itself to that re-enacted measure, because, this Bill says in so many words, that it is supplementary to the Act of 1930 and it is not supplementary to any Act which may be re-enacted in 1935. There is no section in the General Clauses Act or in any other law that I know of which automatically attracts a supplementary measure to an extended measure."

Sir, this is perfectly clear language. I want to know whether Government are prepared to stand by the statement—say yes or no.

Sir Lancelot Graham: As my friend says, it is perfectly clear that the case is entirely distinct. The Honourable the Law Member was dealing with the case of an Act which had been allowed to lapse. Supposing this Act is allowed to lapse and is re-enacted. That is quite different from altering the duration clause by an amending Bill. The case which was covered by the Honourable the Law Member is a case, as he said, where the Act is allowed to lapse and is re-enacted; in that case this Supplementary Act of course would have no relation to that re-enacted Act; but I think it would have this effect; this Supplementary Act would be co-terminous with the Bengal Act if that Act was not allowed to die, that is to say; not if it was re-enacted, but if the duration clause in the Bengal Act was extended during the life of the Bengal Act. That I understand to be the position. But, as I say, that is not in any way in conflict with what was said by the Honourable the Law Member the other day when he spoke about re-enactment.

Mr. President: The question is:

"That in clause 1 the following be added at the end:

"It shall remain in force for a period not exceeding three years."

The Assembly divided:

AYES—52.

Abdoola Haroon, Seth Haji.
Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Azhar Ali, Mr. Muhammad.
Bagla, Lala Rameshwar Prasad.
Bhargava, Rai Bahadur Pandit
T. N.
Bhuput Singh, Mr.
Biswas, Mr. C. C.
Chinov, Mr. Rahimtoola M.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Fazal Haq Piracha, Shaikh.
Gunial, Mr. N. R.
Harbans Singh Brar, Sirdar.
Ibrahim Ali Khan, Lt. Nawab
Muhammad.
Ismail Ali Khan, Kunwar Hajee.
Ismail Khan, Haji Chaudhury
Muhammad.
Isra, Chaudhry.
Jadhav, Mr. B. V.

Mitra, Mr. S. C.
Mudaliar, Diwan Bahadur A. Rama-
swami.
Mujumdar, Sardar G. N.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Bill v.
Sayyid.
Neogy, Mr. K. C.
Pandit, Rao Bahadur Urban): May
Parma Nand, Bill Act is extended.
Patil, Rao Bahadur Honourable House
Raghubir Singh Honourable House
Ranga Iyer.
Rastogi, Mr.
Reddi, Mr.
Sadiq Halatative opinion.
Sant Sir.
Sarda Honourable Member and what they
Sen. Cal. Grant in the way of legis-
Sen. own appeal to the House to
Sir. this Bill.

THE BENGAL CRIMINAL LAW AMENDMENT (SUPPLEMENTARY) BILL. 2689

NOES—41.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. G. S.
Bajpai, Mr. R. S.
Benerji, Mr. Rajnarayan.
Bhore, The Honourable Sir Joseph.
Clow, Mr. A. G.
Cosgrave, Mr. W. A.
Crerar, The Honourable Sir James.
Dalal, Dr. R. D.
Fox, Mr. H. B.
French, Mr. J. C.
Graham, Sir Lancelot.
Gwynne, Mr. C. W.
Howell, Sir Evelyn.
Jawahar Singh, Sardar Bahadur
Sardar.
Lal Chand, Hony. Captain Rao
Bahadur Chaudhri.

Megaw, Major General J. W. D.
Moore, Mr. Arthur.
Morgan, Mr. G.
Mukherjee Rai Bahadur S. C.
Nixon, Mr. J. C.
Noyce, Sir Frank.
Pillai, Mr. N. R.
Rahuddin Ahmad, Khan Bahadur
Maulvi.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rama Rao, Diwan Bahadur U.
Rau, Mr. P. R.
Ryan, Mr. T.
Sahi, Mr. Ram Prashad Narayan.
Sarma, Mr. R. S.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar,
Captain.
Sykes, Mr. E. F.
Tin Tat, Mr.
Young, Mr. G. M.

The motion was adopted.

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

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock, Mr. President in the Chair.

The Honourable Sir James Crerar: Mr. President, I move that the Bill as amended, be passed. In making this motion, I do not propose to detain the House for more than a very few minutes. I have already spoken at great length and I regret to say on many occasions, both on the broad principles of the Bill and on all the subsidiary points that have arisen. In the very few words I have now to say, I merely desire to recall the House to the major issue which I think has been in some danger of being obscured in the course of long and detailed examination of issues which, however important in themselves, are necessarily subsidiary to that main issue. And that issue, as I conceive it is this: whether there exists in Bengal a very grave public situation which is urgently in need of remedy. We have to consider whether the action taken by the Local Government, and endorsed on repeated occasions by an overwhelming majority in the Local Legislature, is a course of action which will contribute, to a very necessary and vital objective, namely the control and suppression of the terrorist movement. We have to consider whether we ought to accept the hard logic of facts and circumstances and the conclusions of those on whom the most immediate responsibility rests as to the course of action which ought to be taken. We have to consider whether in matters which are outside their competence and which are within our sole competence we ought to endorse those conclusions and come to the assistance of the local authorities and the local Legislature. On those broad issues, however much we may differ on relatively minor points, though I do not desire by calling

[Sir James Crerar.]

them minor points to under-estimate their importance, I feel that there is no possibility of an answer in any other sense than a broad affirmative. It has not been seriously contended in this House either that the terrorist movement does not exist in Bengal or that it constitutes a very grave danger not only to that Presidency but to the whole of India. Speaker after speaker on the other side of the House has arisen to say that that position is accepted and admitted. If that really is so, very little remains for me to say. If that is so, surely the only answer that we can give to this demand which is made upon us for assistance is that we should grant it. I deeply regret that in the very last days of my membership of this Assembly, it should have fallen to my lot to bring before the Assembly a measure of this kind and to have had to deal with it during the nine days of debate it has occupied the time of the House. It has been a very difficult and a very unenviable task. Nevertheless, none of us can refuse to open our eyes to plain facts, still less decline to discharge our responsibility. It is because I feel that, in spite of the differences of opinion that have arisen and the controversies that have been threshed out as regards certain relatively subsidiary questions arising out of his measure, there is agreement on the major issues, I have the utmost confidence that the House will be prepared to recognise those facts and will be prepared to discharge its responsibility.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions; Non-Muhammadian Rural): Sir, The Honourable the Home Member, with a touch of pathos, said that in the very last days of his membership he had to put up the fight that he has put up for what he thinks is necessary to suppress the terrorist movement in Bengal and to prevent the extension of that terrorism to other provinces. That, Sir, so far as the Honourable the Home Member is concerned must be a matter for legitimate pride and self-congratulation for standing up as he has always stood up for the steel frame of the Government, to revolt against which the terrorist movement in Bengal came into existence. I concede that he has fought us on this side of the House with the tenacity of a steadfast Scotsman, but we on this side of the House have likewise a duty to perform, and that duty we have been performing. I am pleased to think I have also been performing it by declining to serve on the Select Committee to which the Home Member was so willing to invite me. I do not agree with the principle of this Bill, and even at this last state we have to clearly, strongly and in unambiguous language proclaim with all the emphasis that we can command that we do not accept the principle underlying this Bill, and I wish the Government had accepted the advice of Provincial Governments and stood out from the danger that they stood in of extending terrorism to other provinces, if they honestly believed the detenus were terrorists. The very fact that the other Provincial Governments were unwilling to accept these detenus in their jails on grounds which are recorded in their reports and opinions circulated to Members of this House, the very fact that they did not want them ought to have convinced the Government of India not to bring these unfortunate people from long distances to a place within their own jurisdiction; these untried people, who have not been proved guilty. I am perfectly willing to concede that there is a terrorist movement in Bengal, but I am unwilling to concede that every detenu is a terrorist. A man who has not been proved to be guilty, as every Englishman who has read the English jurisprudence is aware, is innocent. The

law presumes them to be innocent and the opposition would not be worth its salt if it accepted the opinion of the Home Member as regards these untried detenus. I am perfectly willing to grant that the Honourable the Home Member has gone through the documents which are in his possession, in the possession of the Government of Bengal and the police in Bengal, documents which cannot be produced on the floor of this House, which cannot be produced in a court of law and which, as far as we are concerned, are dead documents which have no legal value and are from the legal point of view absolutely worthless.

Sir, such being the case, opposed as we are to the terrorist movement, strongly, emphatically and uncompromisingly, we cannot give a long rope to the Government so far as detenus and untried persons are concerned. It is not for me, standing on this side of the House, repeatedly to proclaim that we do not agree with the terrorists, that we do agree to the suppression of the terrorist movement,—but not in the manner in which it is being suppressed, for we do not agree to suppress people who have not been proved to be guilty. I am not pleading to-day, "Give clemency to the terrorists". Wipe out the terrorists by all means; but you cannot, because you have got certain information in your possession, deny even to the terrorists what is their legitimate due, namely, trial, to establish whether they are terrorists or not. Sir, it has been said time and again that it is not possible to hold a sort of trial because witnesses might be shot. But surely, Sir, a trial can be held within the jail or some such other places, and surely a big Government must not be afraid, if it has abundance of materials in its possession, to put terrorists on their trial and punish them as the law prescribes that terrorists deserve to be punished.

Sir, I have only to say finally that I do not want to make a long speech. I congratulate Members on this side of the House and especially my Honourable friends, Mr. S. C. Mitra, Mr. K. C. Neogy and other friends from Bengal, who have put up a strong and persistent fight. It is not my purpose, and I believe it is not the purpose of gentlemen seated on this side, to prolong the agony of this debate, but it is necessary for us to place it on record that on the major issue, as the Honourable Member has said, we are fundamentally of a different opinion from the gentlemen seated on the Treasury Benches. Sir, while we concede that a grave situation has been created in Bengal, we say that a graver situation is being created by sending away detenus from Bengal to the neighbourhood of Ajmer-Merwara and by denying their relations the right, the absolute right to travelling allowances. I admit the Honourable the Home Member was willing to grant certain conveniences such as *punkhas* to the political detenus. Of course, after transferring them from the moist heat of Bengal to the intensely dry heat of Ajmer-Merwara, I think it is a concession for which the Government can take a certain amount of credit, but if they wanted to take real credit, if they wanted really to satisfy the people of Bengal, they should not have taken shelter behind the issue that the taxpayer of Bengal would not be willing to be taxed so far as travelling allowances for a very small number of people who are related to the detenus are concerned. Travelling allowance has been denied, and that only shows that the Government want to inflict a wrong on the detenus but a double wrong by denying their poor relations the right of interviews. It may be that public bodies in the country might raise money to give facilities of travelling to the relations of these detenus. It may be that a political prisoners' or sufferers' fund might be raised in the country. If it is raised, you know what it means, what

[Mr. C. S. Ranga Iyer.]

raising of the funds means, and moreover you know it would also raise a good deal of feeling along with it, and therefore I do wish the Honourable the Home Member had agreed to this very legitimate and very modest demand that the relations of detenus who applied for travelling allowance would be given travelling allowances. Sir, I regret very much that the Honourable the Home Member did not meet us in this matter. With these words, I resume my seat.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Sir, in a few more moments this House will have seen the last of this black Bill, this short and simple measure, which has occupied a record number of days during the present session of the Assembly: and if one is to judge by the results of the first few divisions, it can be imagined as to what is going to happen to the particular motion which we are now discussing. Sir, some of my friends think that the last division which we had on a very inconsequential point was really a snare into which the non-official Members were drawn so that there might be some amongst us who might think that, after all, having secured one little amendment, it would not be right on our part to go into the Division Lobby against the Government, on the present motion. There are Members amongst us who would vote for the Government on the slightest provocation, and therefore, Sir, I was not very happy at the result of the last division. It can easily be imagined that the Government will have a certain victory on this third reading. Sir, it pains and humiliates one to think that a measure, which could not possibly have been passed with the assistance of non-official elected Members in the last three Assemblies, could be placed now on the Statute-book so easily with their active help in the present Assembly. This is particularly humiliating to one who has sat in all the four Assemblies.

Sir, the Honourable the Home Member in his speech has just mentioned what the major issue before the House is. When the Bill was brought forward, there was a slight dispute as to exactly what the issues were before the House. At one time we were asked to believe that this short and simple measure involved nothing beyond the question of transference of detenus from Bengal. Sir, the debates during the last few days have demonstrated that there was a certain much more important principle of fundamental character involved in this Bill, namely, the principle of detention without trial. The Honourable the Law Member yesterday was frank enough to concede that, unless clause 4 of the Bill were passed, the enactment passed by the Bengal Legislative Council would be almost nugatory. Therefore, Sir, let not my Honourable friends lay the flattering function to their souls that in passing this measure they will not be called upon to endorse that hateful principle of detention without trial. Even assuming that we had not to deal with clause 4 of the present Bill, and that there was not this issue of the suspension of *habeas corpus* involved, what are we expected to do?

The Honourable the Law Member stated yesterday that the Government of Bengal were asking us as to whether we were prepared to help them in carrying out the measure that they had placed on the Statute-book in their own Legislature. Now, help in what? Help in making their measure more effective, help in providing a system of banishment for the untried detenus. Now if detention without trial in Bengal has not proved a success, will banishment help? And let my Honourable friends remember that

what they are doing is to tell the Government of Bengal, 'Well, you expect us to help you in carrying out this measure, in making it an effective measure of repression. Very well, we are perfectly willing to oblige you by providing for a Siberia for the Bengal detenus'. Those of my Honourable friends who vote with Government on this measure will have to bear that in their minds very carefully.

The Honourable Member referred to the very grave situation in Bengal, about which there can be no dispute on this side of the House, but the main difference in the points of view between that side and this side of the House consists in this. We say that the existence of the terrorist movement is to a very large degree due to the mistaken policy of repression which the Government have been following. Sir, violence, whether resorted to by Government or by the terrorists, begets vengeance; vengeance, again, is followed by violence. Now the Government and the terrorists are between themselves going round and round the vicious circle: vengeance and violence, violence followed by vengeance, and so on. Sir, how long is this to continue? May I ask my Honourable friend his real candid opinion, now that he is leaving the shores of India, as to whether he sincerely and honestly thinks that this policy can succeed? Repression followed by violence: violence followed by vengeance and further repression! Let me tell him that terrorism is no less reprehensible if resorted to by Government as an answer to terrorism by the terrorists.

Now, Sir, the Honourable Member stated that the Local Government and the Local Legislature having asked for such a measure, we were more or less in duty bound to oblige them. My answer to that is that if it is a misguided Local Government and if it is a misguided local Legislature, it is our duty to tell them that we are not prepared to oblige them by providing such a measure. Sir, the language that has been used by the Home Member in connection with this debate for the last few days reminds one very forcibly of similar language with reference to the political prisoners who were dealt with under Regulation III of 1818 towards the end of 1908. The House will recall that there were nine Bengalis, some of them very prominent men in the public life of my province, who were dealt with under that Regulation, and questions were repeatedly asked not so much in the Imperial Legislative Council of India as in the House of Commons in those days. If Honourable Members will only take the trouble of looking up the debates of the House of Commons for 1909, they will see how persistent efforts were made by friends of India from their seats in the House of Commons to get a statement from the Government as regards the charges against these Bengalis, who were then dealt with under Regulation III. The Honourable Members will also see what a wealth of parliamentary prevarication was utilised for the purpose of meeting these interpellations, and the impression in the mind of anyone who would read those proceedings would be that these men were very dangerous characters and that they were behind the terrorist movement that was then prevalent in Bengal. I am particularly reminded of certain statements made by Mr. Buchanan, who was then the Under Secretary of State for India, to an amendment to the Address by Mr. Mackarness. This amendment was regarding the imprisonment and deportation of Indians without trial. He referred to the conspiracy to subvert the British rule in India and he also referred to the instigation to commit outrages. Then he said:

"I cannot here formulate charges against them on the floor of the House of Commons."

[Mr. K. C. Neogy.]

The very same attitude has been taken up by the Honourable the Home Member. He further said:

"Under this order (Regulation III) the authorities can lay their hands upon individuals who are the real instigators—behind the scenes—of many of the outrages that have taken place."

And these remarks were made applicable to all the nine detenus then held in imprisonment under Regulation III. That was a statement made on 24th February, 1909. Now, Sir, about 16 or 17 years later, a most remarkable statement was made by no less a man than Sir Hugh Stevenson, who is, I understand, about to retire from his present position of the Governor of Bihar and Orissa. He was then the Home Member in the Government of Bengal. Speaking on the Bengal Criminal Law Amendment Bill on the 7th January, 1925, this is what he said:

"As far as I know, no one has ever accused him (meaning Babu Krishna Kumar Mitra) or Babu Aswini Kumar Dutt of promoting crime still less of taking part in it. The Bengal Government asked for the arrest under Bengal Regulation III of 1912 of Babu Krishna Kumar Mitra in 1908 because his violent boycott speeches and his activity in organising volunteers involved the danger of internal commotion. In the same way the Eastern Bengal Government asked for the use of the said Regulation in the case of Babu Aswini Kumar Dutt because of his whirlwind campaign of anti-government speeches and of his control of the Braja Mohan Institution from which a stream of seditious preachers was constantly pouring. In both these cases the activities for which these gentlemen were restrained were open and public."

Now, 17 years after their detention, the truth came out in this very strange fashion. What language had not been used with reference to these very estimable gentlemen in the House of Commons and elsewhere in support of the policy of detention without trial, insinuating the most horrible charges against them! It is the same thing that my Honourable friend opposite is doing to-day. How are we to know that the very same thing is not being re-enacted within the jail walls of Bengal?

Now, Sir, I have no desire to take up any more time of this House, and I would conclude by quoting once again the words which I quoted the other day from a speech of a Member of the Executive Council of Bengal, namely, Sir Provash Chandra Mitter, who, while speaking on a similar measure in the Bengal Legislative Council, said:

"This Bill proposes not a physician's treatment of the malady but a quack's remedy. I think that if the Bill be certified or passed by the Legislative Council, it will not only fail in its object but will perhaps be, although it is farthest from the intentions of the members of the Government, a helpful measure towards the propagation of the revolutionary movement."

Mr. S. C. Mitra: Sir, it is perhaps for the last time that I am raising my voice against the passing of this obnoxious measure. Curiously enough, I find that on fundamental questions I have very little difference even with Sir James Crerar. I admit that there is terrorism in Bengal, and I further admit that we should find out means to root it out from that unhappy province. Yet I would like to make my position clear once again as to why I am opposing this measure. Sir, I think it has been well said that a large Empire and little minds go ill together. It really requires a statesman not of the type of my friend Sir James Crerar—I do not mean anything derogatory to him—but a broad-minded politician to govern a country, the

people of which are alien to those who govern it. You were anxious to settle your terms with the Irish rebels only the other day, when all repression failed. You said that their hands were dyed

Mr. President: The Honourable Member should address the Chair.

Mr. S. C. Mitra: Sir, the Government said that the hands of these rebels were dyed with the blood of the loyal officers belonging to the Police and the Army, and they could not think of any terms of conciliation. But England did not fail to produce statesmen who could look into these questions from a broader outlook. Unfortunately for this country, at least for the present time, we are having statesmen in India who cannot at all gauge the inner working of the mind of the people of this country.

The Honourable Sir James Crerar referred to the fact that he was leaving the country shortly. We are pained if we have to use harsh words against him at this moment, but I wish in spite of all these repressive measures, that he should have peace and rest in his happy Caledonian home, though he has broken the peace and rest of many a family in Bengal by this measure and created larger unrest throughout India by the innumerable Ordinances that he got promulgated lately. He will be remembered in this country longer than the Honourable Sir George Rainy, because the effect of this unsavoury and obnoxious measure will last much longer than many a little good thing that others tried to do for India; I should like to go through some of the principle points that have been directly or indirectly dealt with by this measure. As regards interviews, I said all along, that if it is the purpose of the Government to interdict or forbid all interviews, let them say so and get the Bill passed in that manner, like honest people. By this subterfuge of transferring these detenus hundreds of miles away from their homes and refusing the little pittance of allowance to their indigent relations Government secure their purpose of interdicting interview with the detenus. I shall presently read some of the letters that I have received from the poor relations of the detenus. I know in several cases they are poor helpless parents. I know personally in one case that, after years of pining, the parents died, after being separated from their near and dear ones. The Law Member may say that it is a temporary measure, but I know in many cases the people have been in jail for 8 and 10 years continuously, with intervals of two or three months. If persons come out of jail after a prolonged trial of two or three years, and if they are found not guilty, as soon as they step out of the court precincts, they are arrested and again sent to jail under the Criminal Law Amendment Act for indefinite periods. There are very few sections in the Indian Penal Code, as I said the other day, where the punishment is for more than three or four years. But it is admitted that even though no case is proved against these detenus, yet they suffer not for three or four years but in many cases for 8 and 10 years in jails. When you consider these cases, you must remember all these facts, and must not be carried away by the apparently innocent and simple words of the Honourable Sir James Crerar, that it is a temporary measure and that it is a short Act. As you all know, this Act had been in force with little interruption already for seven years, and now it is proposed to prolong its life for another five years. I accept the argument of the Honourable the Home Member that this Act is essential, but let him answer why it has not succeeded though

[Mr. S. C. Mitra.]

it has been in force so drastically for the last seven years, in rooting out the terrorist movement. I contend that it is a quack measure and it has failed in its purpose. I appeal to Government that they should try other means. According to their own statement, terrorism is increasing day by day, and they have not succeeded in putting an end to it. That shows that it is not the right method.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): What is the right remedy?

Mr. S. C. Mitra: The right method is to give full Dominion Status to this country. Let the young men of this country feel that they are as much free to develop their resources and to live in happiness and liberty as any other people in any other free country. That is what is wanted. If you take this broad view and act in that line, then the political assassins who have been guilty hitherto will become loyal and will co-operate with Government! I have faith in these young men. I was reading the other day from the letter of Miss Bina Das who was found guilty. She did not try to plead innocence but she said:

"I am glad that the life of Sir Stanley Jackson has been saved by Providence and that Lady Jackson and her children have been spared their terrible misfortune and I have attained my end without any loss of life."

It will not require much imagination to feel what actuates people of this type, and the attempt on the part of any Government should be to remove all the grievances. What do we find after 150 years of British rule? In spite of all protestations that the Europeans are the trustees of the dumb millions, everybody is becoming poorer and poorer every day. You may think it is mere emotionalism, but I say it is not, it is as much economic. The hungry and starving man will not rest satisfied with anything else unless you give him a chance to improve his own condition to save himself from starvation. The high ideal of full Dominion Status as the immediate objective of the Government is a better remedy than all repressive and inhuman measures. If you cannot provide these men scope in that way for their idealism, this terrorist movement is bound to go on. By enacting measures of this kind you are only creating bitterness in their minds, and you only add to that feeling, and thereby you help neither the Government nor the nation. As regards the letters I referred to, they do not come from these political sufferers. They do not complain in any way. They do not write to us. It is their helpless parents and dependants that come to us. For political workers in India, "suffering is the badge of their tribe". Suffering is no longer the badge of the Jewish people; falsifying the scriptural prophecies, they have found a happy home in Trans-Jordan; but patriots in every subject nation know that suffering and sacrifice are their badges.

I come here not to plead the cause of these detenus, but I want to show how you embitter the feelings and how you really dig the graves of these detenus by these measures. I fear the digging of their graves will not end there, but they will dig the foundation of the British Empire as well. Here is a letter from a relation of a detenu under Regulation III, and his name is Roshak Lal Das interned in Peshawar Jail. His only two dependants are his mother and his aunt, nearly seventy years old widows,

helpless and suffering from rheumatism. They have a little plot of land but there is nobody to cultivate the lands. They applied for an allowance, but got no reply. They have written to me to approach the benign Government to see if something could be done. This is one of the letters. I read the other day in the newspapers that the gentleman who controls the destinies of this nation, Sir Samuel Hoare, said in the House of Commons that the allowance granted to these detenus is something scandalous. I can give particulars to this House, and if Honourable Members make an average of the monthly allowances that are granted to these detenus, they will find that the amount of allowance is scandalous in more ways than one. The author of the scandalous statement said in the House of Commons that by amending the Bengal Criminal Law Amendment Act, they will provide in future instead of money being paid, the detenus should be paid in kind, i.e., grain and clothes, and consideration should be made to reduce the allowances when they had other sources of income. The detenus may have lands. But if you take away the men who support the family, who will earn the money for their dependants and who will cultivate his lands? On the report of the police the Honourable the Home Member and his staff will decide that there is so much of income and so the detenu should not be given any allowance, bestowing no thought for a moment on the fact that there is nobody to look after the detenus estate or to cultivate his lands. Sir, I know for certain that the allowances granted to these poor families do not, in 80 or 90 per cent. of cases, exceed Rs. 25 a month.

There is another letter about another detenu who is also in Peshawar. They are given a meagre diet allowance of one rupee per head which is very insufficient to get themselves properly nourished. They are allowed association with nobody and kept in complete segregation. The Government of India have passed orders allowing them out-door games, but still they cannot have them for want of accommodation. The Peshawar jail is so very overpopulated and congested by ordinary convicts that even an inch of land is not available for these prisoners to have out-door games in. They are suffering a lot for want of a Bengali cook and Bengali food. Their letters, both incoming and outgoing, are delayed by the Bengal I. B. to get them censored for such a long period that they take between 20 to 25 days to reach their destination. Other grievances are also stated here, and they ask that I should bring these matters to the notice of Government. There are excellent rules, and it satisfies my friends to hear that there are facilities for the detenus to have out-door games. But who will examine whether there is any space available for any games, not to speak of out-door games? From my personal experience I can say that political prisoners are confined to one yard and are not allowed to go beyond a particular space in that yard. That tells very heavily upon the nervous system of any individual, and there should be facilities to transfer them now and again, but these things they will all be deprived of. I also made it clear that by allowing them interviews with their relations, you will be able to put them in a proper frame of mind. One day you shall have to let off these detenus because there is no conviction against them. It may be 10, 15 or 20 years, but some day you will have to release them. Should not Government desire that they should be contented citizens even afterwards? By the present system of treatment, only bitterness is increased, and that was the reason why I was all along pressing that measure like this should not be passed. I find in to-day's paper that in

[Mr. S. C. Mitra.]

Allahabad a tree in Alfred Park under which Chandrasekhar Azad, a revolutionary suspect, was killed last year, has been cut down. I have no objection to their cutting down a tree and having vengeance on a particular man, who is dead by such innocent means, but these measures are not so innocent and harmless, though short and simple they certainly are. We tried our best to get some of these amendments passed, but, as I said in the very beginning, Government would not accept any of them. I think our Leaders and Deputy Leaders have now been disillusioned in finding that, however reasonable it may be, once Government are sure that they can carry certain measures, they will not care for our views. As regards this law being accepted by the Bengal Council, I can say that the first time when it came up in 1925, the Bengal Council, against all convention, refused even to accept the introduction of the Bill. And now you know how, after the boycott by the Congress, some of these Councils and Assemblies have been constituted. I have carefully gone through the division list here. If all the Honourable Members had taken the trouble to attend, there would have been no difficulty in passing all these amendments. The Government and nominated Members and Europeans are solidly present I do not like to read the names, but I know that with all the patronage and power that the Government control, they can easily carry through any measure they like. It is not an idle thing that other democratic Governments are against the conferment of any titles. I do not say anything particularly against anybody, but this division list shows that even if all the Members on our side cared to attend, we could carry everything. But it is not difficult for Government to carry through what they like, with all the power and patronage which they command. But that is no reason why they should not concede the reasonable amendments from the Opposition. With the sense of duty which actuated us, we tried to put before Government all reasonable amendments for their acceptance, but we have not succeeded in doing anything, nor shall we be able to throw out this Bill on the third reading. But we owe it to our country that we should make our opposition to this measure clear.

Sir Cowasji Jehangir: Mr. President, from the very beginning there have been some Honourable Members of this House who opposed the principle of the Bill, but it must not be forgotten, and I do not think we can forget, that the Bill was sent to a Select Committee, that the Chairman of that Select Committee was the leader of the largest party in this House, and that there were other Honourable Members on that Select Committee. It is to be presumed that—it may be unwillingly or it may be unwittingly—they did accept the principle of the Bill. And I would be the last to rake up old history as to what that report really contained, and who it was that drew attention to some of the weak points in this Bill. It is past history, and I do not desire at this late stage to open up old wounds. But, Mr. President, I cannot refrain from expressing my humble opinion as to the way Government have managed this Bill. They were fully aware of the position; they were fully aware of the fact that in the past, Legislative Assemblies had thrown out similar measures. They were given considerable encouragement on the present occasion by the appointment of a Select Committee and the personnel of the Select Committee. But I regret to find that, instead of trying to kill the bitterness in the hearts of some of my Honourable friends, such as Mr. Neogy and Mr. Mitra, they at this final

stage have been instrumental in encouraging the bitter speeches that we have just heard. It was in their power, it was in their hands, to so act and to so speak as to have given some consolation to some of my Honourable friends who had very strong opinions from the beginning. What was the demand made by this House and by some of my Honourable friends? That two or three relatives should be allowed to visit these detenus when they left the province of Bengal and that they should be supplied with the means to enable them to visit these detenus, provided always they were too poor to do so. Was that an extravagant demand to make? It was refused; and nobody was more surprised to find the refusal coming from my Honourable friend Sir James Crerar than myself. Although I have had some experience of Government, I am unable to see the point of refusing that demand. Mr. President, when Honourable Members address this House, they do not address merely Honourable Members on the Government Benches or a few humble individuals like ourselves; they are addressing the whole of India, and when the whole of India notices and sees that, although the Legislative Assembly was prepared to assist the Government, a modest demand was turned down, do Government expect to get public support? Again today all that this side of the House wanted was that the officials of the Bengal Government should follow the provisions of their own Act, and that if they did not, there should be an appeal to the High Court. If the Government of India or the Government of Bengal do not desire any appeal against an infringement of their own Act, why did they take the trouble of putting in any provisions at all into the local Act? They might have had an Act with two or three lines, giving them power to arrest anybody, adopt any procedure without challenge from anybody. Although I tried to follow my Honourable friend, very closely, as to his argument with regard to section 4 of the local Act, I regret—I may be dense—I was unable to understand it; and my point is this: the point that was emphasised by my Honourable friend, Diwan Bahadur Ramaswami Mudaliar, that it is not Acts of this character that are really going to stamp out terrorism; such Acts will only stamp out terrorism if they have got public opinion behind them. These Acts will only stamp out terrorism, not only from Bengal but prevent it spreading to other provinces, if the people really believe that Government in whatever action they take are reasonable and are prepared to take the public into their confidence and are prepared to concede here and there a point which this side of the House and the public think are of importance. But when Government come forward with an important measure of this sort and find that they have a considerable measure of support, they go on quibbling over small points, allowing the debate to go on for hours, and then go into the division lobbies and defeat this side of the House, I am not surprised that the bitterness on this side increases and will increase all over the country. You want imagination, Sir (Laughter) . . .

Mr. President: Surely the Honourable Member can bear in mind the use of the pronoun "they" when he wishes to refer to Government.

Sir Cowasji Jehangir: If I do not address you, Mr. President, I am pulled up; and if I address you, you smile. I say deliberately "you"; when I have to address the Honourable Members opposite I am told I must address the Chair and it is a very ordinary thing to do. Mr. President, you want imagination; and you want a little foresight. Your horizon

[Sir Cowasji Jehangir.]

has to be a little wider than it seems to be; and if Government would have only taken a more humane line in this Bill, there might have been no debate on the third reading, and my Honourable friend Sir James Crerar might have been spared the bitter speeches that have been made, and will again be made, on this side of the House. India is not going to be ruled like this. India is a sentimental country; India is a most grateful country. If you will treat with disrespect all sentiment because you may sometimes have logic on your side, you will not succeed. After all, with many castes and with many creeds, sentiment goes further than logic. By all means stick to your principles. By all means see that you do what you conscientiously believe is right

Mr. President: If the Honourable Member will only say "they" instead of "you", he will be quite in order.

Sir Cowasji Jehangir: I am sorry; but it is you who insisted on it: you have been a Member of Government yourself, Sir, and I trust you have got plenty of experience

Mr. President: If the Honourable Member will accustom himself to the use of the word "they" he would be quite all right.

Sir Cowasji Jehangir: I am sorry to offend your feelings: I have no intention of doing so; I will now talk of the Government only and leave you out. If Government would only meet this side of the House on, after all, small points, they would, I honestly believe, get the support of this House in an important measure of this sort. Even my friend, Mr. Neogy, has repeatedly said that he is against the terrorist movement, and can anybody imagine otherwise? But what have you done with this friend of mine, Mr. Neogy? I pick him out as an example

An Honourable Member: Example of what?

Sir Cowasji Jehangir: By conceding two small amendments you would have had Mr. Neogy on your side

Mr. President: The Honourable Member has again got into his old habit.

Sir Cowasji Jehangir: The Government would have had Mr. Neogy as a silent supporter. The object of my rising to speak is this: that I trust that, although my Honourable friend, Sir James Crerar, whom I have known for many years, will leave this country, I do hope and trust that the debate on this Bill will at least be a lesson to those who remain. Here was a glorious opportunity for Government thrown away, a glorious opportunity to have got the support of this Honourable House for a measure which past Assemblies had rejected. That opportunity I regret to find, has been lost and although he will get his Bill he will not get the real whole-hearted support of this Honourable House; and what is, much more important, he will not have the sympathy or the support of the public

of moderate men outside this House all over the country, who, if they follow this debate can only come to the conclusion—perhaps a wrong conclusion, but the only possible conclusion—namely, that when Government find that they have a certain amount of support, of whatever character it may be, they are determined to carry even small amendments to a division and defeat the Opposition. Sir, that is a very very harmful impression to give. It only adds, as my friend, Mr. Mitra, said, to the demand that there should be complete Dominion Status. That is the real remedy for this sad state of affairs, and I do hope and trust that, when Government bring forward a measure of this sort again, and expect to get, as they did get in the beginning on this occasion, the support of this House, they will concede, however much they may disagree, small points, points which really do not affect the principle of the Bill, such as paying a few rupees to detenus to have their relatives visit them and things of that kind, and secure at least the whole-hearted support of men who have a desire and always desire to work with Government, to co-operate with Government, for the happiness and contentment of the people of this country.

Mr. Arthur Moore (Bengal: European): Sir, unlike my friend, Sir Cowasji Jehangir, I was not particularly struck by the bitterness of Mr. Mitra's speech. On the contrary, it was the sincerity of that speech which produced a much greater impression upon me, and which for the first time made me wish to say something in this debate and to attempt to put before my Honourable friend another point of view. When he was speaking, I felt that to some extent I understood what he was feeling and on one occasion when he said that unemployment and the hopeless economic outlook of the young men were responsible for a great deal of the trouble, I was in most profound agreement with him. But, Sir, he did speak as if this Bill represented the whole policy before the country which Great Britain had to offer, and he said that we need something more statesmanlike. Surely my Honourable friend is aware that this Bill does not represent policy at all. It is merely an unpleasant necessity. He must be aware that a very large and statesmanlike effort is being made to settle the whole of this difficulty. He must be aware of the Round Table Conference; he must be aware of all the sincere efforts that are now being made to get some form of agreement firstly between India and Great Britain and secondly between all the different conflicting interests in this country, in order that we shall approach that Dominion Status

Mr. K. C. Neogy: Has the Honourable Member read Mr. Benthall's statement which has been recently published in the Press on this question?

Mr. Arthur Moore: Yes, I have; but I do not see how it arises in this connection at all.

K. C. Neogy: It does arise; we question the sincerity on the part of our community.

Mr. Arthur Moore: On the contrary, I cannot see that it has the slightest relevance. (Laughter from the Nationalist Benches.) I would like to say to my friend, Mr. Mitra, that the terrorists,—and I welcome very much his own expression of view with regard to terrorism,—I would not

[Mr. Arthur Moore.]

put it to him that their programme, far more than this Bill, is designed to prevent the operation of that larger statesmanship. In spite of what Diwan Bahadur Mudaliar said this morning, it is not true that we on these Benches, any more than any one else, welcome legislation of this character, but we are still waiting for any one to show us how terrorism can be dealt with if it is not to be dealt with sternly. And when Mr. Neogy talks about vengeance, and violence, I will ask him and my friend Mr. Mitra to remember, in regard to that larger policy of statesmanship, that when last year Lord Irwin and the Congress as represented by Mahatmaji came to an agreement and it was hoped that the prospects for that constructive policy of statesmanship were going to be rendered immeasurably fairer, the result was the greatest outbreak of violence and terrorism that has been seen in this generation

Mr. K. C. Neogy: What about the other side of the shield? Official terrorism?

Mr. Arthur Moore: Official terrorism on that occasion, as far as I know, was represented by the release of all political prisoners except those who were definitely connected with violence and whom it was considered impossible in the interests of the public security to release.

Mr. K. C. Neogy: What about the Black and Tans in Chittagong organised by your community?

Mr. Arthur Moore: The Honourable Member is making allegations which

Mr. K. C. Neogy: Which I am prepared, to substantiate outside this House.

Mr. Arthur Moore: My friend is taking up a very different attitude from that taken up by my friend Mr. Mitra. Now, Diwan Bahadur Mudaliar said this morning something very true, which I think we all agree with, that what is really required is vocal, energetic, operative public opinion. And if you look for expressions of that opinion, the two most hopeful signs that I have anywhere seen on the horizon are first the fact that the Bengal Council,—on which Mr. Neogy poured derision—did by a very large majority give the necessary powers for dealing with terrorism, and did pass the Bill which this is designed to supplement; and secondly the fact that the Opposition, when this Bill came before them, should have taken up such a responsible attitude and should have sent the Bill to the Select Committee, and in Select Committee should have handled it as they did. Those, I think, were moves in the very direction which Diwan Bahadur Mudaliar desires. But when it comes to a series of amendments which do vitally affect the Bill, I think we have got to ask ourselves what it is we are dealing with and to remember that if the Bill is to achieve its object, it must be able to cope with terrorism.

Mr. Ranga Iyer talked with scorn of dead documents. But dead documents are better than dead men; and when we are considering amendments, the general effect of which is to promote appeals to the courts and reference to courts, however much we always dislike interfering with *habeas corpus*, we must recognise that in Bengal the most definite terrorist

move at present is the move to terrorise the courts. I will give three examples. In Calcutta recently we have had a Judge murdered in open Court. We have had a witness murdered, and only yesterday in Calcutta the prosecutor in the case that arose out of the murder of Ahsanullah Khan was seriously wounded and an attempt was made on his life

Mr. S. C. Mitra: By his own nephew. It was not a political case.

Mr. Arthur Moore: That I think at any rate shows that the Courts are an object of intimidation. I think we have got to keep our eye after all on the principle of this Bill, and however unpleasant it is, and however much we may dislike it, we cannot really deny to ourselves that in the present situation of the country the Government are justified in asking for these powers.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): I cannot compliment the Members on the Treasury Benches either on their heads or their hearts for a measure like this. As regards the heart, I think the less I say the better, and probably if I were to tell the truth it might not be palatable. When my Honourable friend Sir James Crerar is leaving us for good, I shall not be hard upon him; in fact, in my heart of hearts I have great respect for that gentleman, but I feel that there is something wrong with his head. (Laughter.) When he introduces a small Bill like this with a Statement of Objects and Reasons, I find that there are certain objects mentioned in the Bill and there may be certain other objects hidden behind, but I do not find any reasons for the Bill. If it be urged that Honourable Members initiating legislative measures in this House are not bound to give reasons, I have nothing to say. The practice has always been to give a Statement of Objects and Reasons, and with respect to clause 2 I do not find any reasons given for the same, only the object has been mentioned. And what is that object? To send the detenus far away from their own province. In paragraph 3 of the Statement of Objects and Reasons, we find this:

"Clause 2 of the Bill empowers the Local Government. . . ."

Are we students of the lower classes that we could not understand the plain meaning of the following words?

"—Clause 2 of the Bill empowers the Local Government with the previous sanction of the Governor General in Council, to make an order committing to custody in a jail outside Bengal any person against whom an order under sub-section (1) of section 2 of the local Act might be made."

I do not think that they wanted only to paraphrase clause 2 of the Bill, and even if it be taken as a paraphrase, I beg to submit that the paraphrase is less understandable than the provisions of clause 2. I searched for the statements of reason again and again; I did not find any reasons in the Statement of Objects and Reasons, and after the Bill emerged from the Select Committee no reasons were given and I had to run down to the Notice Office to get a copy of the Bill as it was introduced to find what the Statement of Objects and Reasons was, but I could not find any reasons for clause 2. That shows with what intelligence this Statement of Objects and Reasons was prepared, and further with what intelligence the provisions of the Bill have been drafted. I think the Members of this Legislature have some sense of responsibility, and they also know what provisions of law are for the best interests of the country. If any

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of us deny that, at least the elected Members of the House would be stultifying themselves. It may be in the interests of the Government to deny it, but probably in their heart of hearts they do not believe that we are not watchful of the best interests of our country. If that be so, then this attempt to thrust this unpalatable Bill down our throats, this rather sugar coated Bill

Mr. S. C. Mitra: Where is the sugar? There is no sugar in it.

Mr. Amar Nath Dutt: My Honourable friend says there is no sugar. It is for the Honourable Sir James Crerar to supply it. Be that as it may, we are unable to swallow this Bill because of the outrageous provisions in it, and the Bill is not so innocent as my Honourable friend wants to make us believe. Instances are not rare—in fact, it is a matter of every day occurrence—turn over the pages of the newspapers—I mean the censored news that is only allowed by the Government to come out—turn over the pages of the newspapers, and you will find that people acquitted by courts of law, where they had been hauled up under false charges—otherwise they would not have been acquitted—by the myrmidons of my Honourable friends, opposite—where they have been acquitted, as soon as they come out of the court room, within the court precincts, they are immediately arrested and detained. (Mr. S. C. Mitra: "For years.") This is a worse punishment than what the courts could have inflicted. I may be permitted through you to address my Honourable friend, Mr. Arthur Moore, the representative of the Anglo-Indian community (Laughter)

An Honourable Member: Colonel Gidney is the representative of the Anglo-Indian community, not Mr. Moore.

Mr. Amar Nath Dutt: From my early years I have known by Anglo-Indians those Englishmen who come to India to earn their living. Only recently the Eurasians, as we used to call them, adopted the description of Anglo-Indians and I beg to be excused if inadvertently I have used a description which is no longer used by Mr. Moore's community. I beg to remind him when he pleaded for respect for the judgments of courts of justice, that the Government have little or no respect for the courts of justice. Judges who are paid by your Government, as soon as they acquit the accused of the very charges—trumped up charges, false charges in many instances—as soon as the men leave the court room and before they have left the court-precincts, you at once catch hold of them and inflict upon them far worse punishment than what the courts could have inflicted, namely, you transport them

Mr. President: The Honourable Member has to be repeatedly reminded to address the Chair.

Mr. Amar Nath Dutt: Government at once banishes them, transports them to places like Deoli. (Mr. S. C. Mitra: "For an indefinite period"), and for an indefinite period. I can well understand a conviction for six months, two years or five years. I can count my days, months and years

and look forward to the date of my release, but in this case by the indefiniteness of the term of punishment, the Government add another agony to the punishment itself. That being so, I think the Honourable Member has not been able to give sufficient reasons for the enactment of clause 2.

Sir, the Government think that we are children who cannot see through the game. During the long years that we have been here, I have often felt uncertain whether it was at all useful for us to remain here or not. I know that my friend Sir Lancelot Graham will not allow me to go away. Probably they want that we shall voice forth some sort of weak opposition so that they can enact any measure they like. In the Bengal Council they had in the Opposition, men like Mr. N. K. Bose, Dr. Naresh Chandra Sen-Gupta and Mr. B. C. Chatterjee. Their voices were the voices of those crying in the wilderness, and the Bill there was passed with the aid of flunkies and *jo-hukums* of the Bengal Council. They know in their heart of hearts that the Bengal Legislative Council is not really representative of the best intellect or patriotism of our countrymen. Sir James Crerar said that the major issue in Bengal was the existence of a grave situation; grave situation for whom—for the ill-clad and half-fed people of the villages? If by grave situation, Sir James Crerar means grave situation for the handful of foreigners who happen to be at present to rule the destinies of the province, I deny that. They are safely lodged in the Government House and Fort William and there is no necessity for legislation like this.

Sir, I shall try to be as brief as possible. The Honourable the Home Member referred to the immediate responsibility of the authorities. Responsibility for what? My friend Mr. Arthur Moore side-tracked the subject and diverted our attention to unemployment and economic troubles. These things were there even before this trouble. Sir, you possess a vast degree of imagination, and even if a portion of it had filtered down to my Honourable friends over there, they would not adopt the methods which they are pursuing at the present moment. The real question before the country is the autocracy of the Government, and it has been well put by a young graduate girl whom if I call her a martyr you will probably come down on me, but if I read her statement that was solemnly made before a court of justice, when she was being tried for her very life, I think that Government if they have any imagination left will formulate other methods to grapple with the so-called revolutionary menace. This is what Miss Bina Das stated before the High Court, and it contains in a nutshell the political faith of young India:

"I confess I fired at His Excellency the Governor on the last Convocation Day at the Senate House. I hold myself entirely responsible for it. My object was to die, and if to die, to die nobly fighting against the despotic system of Government, which has kept my country in perpetual subjection to its infinite shame and endless suffering—and fighting in a way which cannot but tell.

I fired at the Governor impelled by my love for my country which is being repressed and which I attempted to do for the sake of my country, was a great violence on my own nature too. But I am glad that the life of Sir Stanley Jackson has been saved by Providence and that Lady Jackson and her children have been spared their terrible misfortune and I am glad I have attained my end without loss of life. . . . I can only place here the state of my mind which led me to do this act, which, I do realise, was an outrage on my nature and a severe injustice to the family to which I belong and the institution where I was having my education, an institution which loved me dearly and exercised the highest influence on my life and character and which I looked upon with all regard due to a mother, but the love of my country

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was always supreme in my mind and I felt very deeply in my heart the condition of my country.

I had been thinking—Is life worth living in an India so subjected to wrong, and continually groaning under the tyranny of a foreign Government or is it not better to make one's supreme protest against it by suffering one's life away. Would not the immolation of a daughter of India and a son of England awaken India to the sin of its acquiescence of its continued state of subjection and England to the iniquities of its proceedings. This is the one question that kept thundering at the gates of my brain like an incessant hammer-blow that could neither be muffled nor stilled.

My sense of religion and morality is not inconsistent with my sense of political freedom. I believe that a person who is politically slave cannot realize God, who is the spirit of Freedom and I have held, therefore, that political freedom is originally connected with religion and morality, and there ought to be no conflict between them. In fact, I feel in the heart of my heart that the best and the divine in humanity cries in revolt against all forms of tyranny in this world.

Political freedom, religion and moral ideals should therefore be blended together into one harmonious whole, and the subject races inhabiting this globe should be politically free. It was for the purpose of bringing this fact home to the thinkers in India and other countries that I selected, as my field of action, the Convocation Hall of my sacred *Alma Mater*."

Sir, read her statement, go through it, think over it. This is not the statement of a demagogue, but that of a girl brought up in the best traditions of a Hindu household, educated in one of the finest institutions in Calcutta. With all the fervour and goodness and love of humanity in her, she fires a fatal shot and then, when her fatal shot does not succeed, she is not only content but glad. I do not know whether, with your mentality, you will be able to appreciate the spiritual meaning of her statement. If you can, then I think India's salvation is near at hand, and you and I shall be able to walk hand in hand in this sacred land for many a long year to come. It is not our desire to expel you from . . .

Mr. President: I must again remind the Honourable Member to address the Chair.

Mr. Amar Nath Dutt: I am sorry, Sir. Sir, it is not the desire of the Indians to expel the Britisher from India. It cannot be their desire, having regard to their religious teachings.

Mr. N. M. Joshi: What has religion to do with that?

Mr. Amar Nath Dutt: I hope, Sir, it is not their desire also to blot us out of existence. If that be so, we should adopt measures which appeal to the reason of both the communities. Sir, the other day we were told that this very Assembly passed a Bill like this. Sir, a statement like that, coming from the official Benches, pains me very much. In fact a Bill like this was refused by the Assembly, while it was passed by the elders in the Council of State. Sir, I do not wish to see section by section, how this iniquitous Bill can be made to oppress and tyrannise over the youth of Bengal. I wish for its total rejection; Sir, in doing so I think I can do no better than appeal to the Honourable Member—because I believe he has a warm heart inside, however years

his exterior may be. (Laughter.) I feel today, Sir, the supreme necessity of the lessons of those silent masters of humanity who realise the highest destinies of human life, and yet remain for ever the beacon-lights far, far away from the maddening crowds' ignoble strife to show the struggling way farers which way lies the path.

Sir, in this Assembly we have carried on for years nothing but ignoble strifes; we deluded ourselves that we were securing liberties and protecting rights for our own people. Sir, my name has been associated with several attempts to repeal that antiquated, rusty weapon for suppressing human liberty, I mean Regulation III of 1818. Compared with that Regulation, what is today being attempted to be passed as law is but the bare skeleton of a cowardly autocracy, shorn of all flesh and blood of decency and form, to make that skeleton presentable as a human institution! Regulation III of 1818, Sir, recognizes the status of an individual, as apart from the State, and the duty of the State to maintain life and relationship of the family and dependants of the unfortunate individual detained. Now, the Government are going to pass a law to proclaim before the world that in India, Indians have no status, no separate right to live, and no relations either, by birth or marriage, as against the will of a few Englishmen who like to enjoy the game of football with human life and liberty! Sir, if this be called a law, I do not know what negation of law is. I know that a parallel to this terrorising autocracy may be found in the history of the Czars of Russia, but I have yet to learn that there is a theory of jurisprudence anywhere on earth which legalises and sanctions official terrorism in the way in which this Bill attempts to make play things of human liberties in the name of maintenance of law and order. Sir, Sir Samuel Hoare complacently chuckles, at a safe distance, over the drastic and severe nature of the Ordinances, and as the bandmaster calls the tune, namely, to do away with the scandal of detenus allowances, his pipers here are playing the same song. "Vengeance is mine", says the Lord in Olympia, and his angels of the heaven-born service say, "Amen"! And they bring in a piece of legislation,—they say to supplement, or to complement, or to implement, what is nothing but an instrument of vengeance in the hands of the powers that be. Sir, what was standing in the way of the use of that instrument? The public opinion of Bengal, the vigilant alertness of Bengali society, the healthy, responsive nerves of the collective Bengali mind! In the presence of that feature in Bengal, the bullies moved the heaven of the India Council and the earth of Delhi,—and here, lo, is this Bill. I am not, Sir, addressing these words to those Members of this House whose vision is blinded by the passions of the hour. What they are concerned with is the attitude of some of my countrymen here who would falter and fail to play the man at this critical juncture of this country's history. I would implore them, Sir, to realize, even now, the importance of associating this Assembly with this measure of pure decency. Sir, the Joint Parliamentary Committee appointed to consider the Montagu-Chelmsford scheme proclaimed that it was no reproach to the Government of India was autocratic. It is autocratic even today, Sir, after the Montagu reforms. There is nothing in the constitution to prevent the Government from keeping either their prisoners or do under-trials, or any class of people, under their absolute autocratic rule anywhere they like, under whatever conditions they like, either in Calcutta or in Timbuctoo. They come before you, Sir, to enable them

[Mr. Amar Nath Dutt.]

to do so; why? Because—because—as some well-known modern thinkers have said—“Pretence is the key to modern civilization”—Pretence is the price which vice pays to virtue. Pretence, Sir, is the mask, which reason seeks to put on, to cover the hideousness of cowardice.

Therefore, Sir, the only issue before this House is—whether we would help this sham pretence to succeed, or whether we would, as true sons of our motherland, stand up for the great immutable eternal principles of humanity, sympathy and bare justice? These detenus have done, Sir, nothing wrong within the purview and scope of any written or unwritten code or penal code, except this, that they are sensitive nerve-centres of the collective mind of Bengal. I admit, a blow on these centres agonises the whole of my province. I can also admit that, far away in the lonely desert of Deoli, 99 per cent. of the detenus, or perhaps 999 out of one thousand of them, may submit to cowardice. But what about the remaining one? I ask my friends here to pause for a moment and give a reply themselves. The memories of our ignoble strife here in this Assembly will be forgotten, the revolt of cowering power, seeking pretence, will recoil on itself, the exigencies of political hobnobbing will be obliged to find its grovelling level—in the presence of the One individual, who would revive the history of liberty, honour and courage. Practically for the last 25 years, Bengal has been chosen to bear the travails of a new birth. In this legislation, my friends here have only one alternative to adopt—to watch in solemn pause and welcome the birth and not to add to the sufferings of humanity, and therefore to throw out this Bill, and thereby to prove true to your countrymen.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Mr. President, the legislation that is before the House at present relates mostly to the Bengal province, and I would like to remind the House that Bengal is that very province where once the partition of Bengal took place. The House very well remembers, and I suppose the Government also remember it very well, how the matter came about and how it was that it ended. In reply to our Honourable friend Mr. Arthur Moore when he says that the House has not suggested so far any remedy to this terrorist movement, I would like to refer him first of all to that incident which happened in India when His Imperial Majesty himself came to this country to undo the effects of the partition of Bengal. It was that very province which had shown to the British Government how the people of Bengal could organise themselves and how the people of Bengal could rise to the occasion. Sir, if this Bill is passed and if this measure is enacted and if this enactment is worked, I have absolutely no doubt that the people of Bengal will again rise to the occasion and it will be a very sad day in the history of India if any of the Royal family has to come again to this country to appease the people. I would also remind my friend Mr. Arthur Moore how the matter of the Cawnpore mosque was settled by one of the greatest Viceroys of India, and how Lord Irwin had to settle the question with Mahatma Gandhi. Those are the instances and those are the ways in which conciliation could come to India, and let me tell the House that it would come in that very way and by no other means. (Applause.)

Sir, I have been following continuously for the last four days the debate that has been going on in this House and the trench warfare that has been occasioned in the passing of this drastic legislation. Every clause and

every portion of the Bill has been contested. There have been Government cannons and machine guns, but still with small opposition forces in the House and with such unanimity that the Opposition could have, they have after all been able to carry a very small portion of the Bill in their favour. Still the country knows very well how we are constituted. When the new constitution comes into being, we hope that this defect will be removed and it is then that India will breathe free air. Sir, by this Act and by this legislation, we are depriving the detenus of their ordinary rights; we are depriving them of their customs and of their manners; we are depriving them of their ordinary clothing. If there is a Mussalman detenu, then I do not know how he will be able to offer his prayers with only one short cloth that is given to him. The only remedy which I can suggest and which has been suggested by my Honourable friends also is the grant of Dominion Status and it should be granted to us without the least possible delay, at the least provincial autonomy. The statements which my Honourable friends Mr. Mitra and Mr. Amar Nath Dutt have read out today from a girl in Bengal will show from a detenu's point of view as if she was serving her own country and responding to the calls of her country, but all over India, from a different point of view, she is represented to be an anarchist. Although we cannot help admiring the feelings and sentiments that she has expressed and her desire that she would like every countryman to come forward and serve the cause of the Indian nation, still we cannot like her action and every one denounces that. Sir, this terrorist movement is, of course, confined at present to Bengal. But if the enactments go on just as they are going on now, and if this autocratic way of rule continues, I am bound to confess before the Government that difficult times may come and other provinces may also adopt the same terrorist attitude. It will then be a very sad day for the Government to carry on their administration. At present I only want to appeal to the Government Bench that the administration of the country cannot be carried on in the way in which it is being carried on. If no conciliatory Acts are passed and if no conciliatory policy is adopted, I am afraid Government will have to face very bad days indeed in this land.

Sardar Harbans Singh Brar (East Punjab: Sikh): Mr. President, I have risen because I have felt on this measure very deeply since its introduction. I am reminded of what an ex-Secretary of State for India has said, I mean Mr. Wedgwood Benn, that the greatest State interest is the impartiality of the law. By that he meant not the impartiality of our Judges and jurors but the impartiality exhibited by the Department of Public Prosecutions in the initiation of the proceedings. Sir, he considered it bad enough to start proceedings without the greatest care against a person when he had a chance of defending himself in an open court of law, when he had a chance of cross-examining the prosecution case and of putting in his defence. But here by this measure not only has he none of these opportunities; he does not even know what his fault is, and what wrong he has done either to the State or to the society. The only reason for depriving him of his liberty for an indefinite period is a report by the police. The Government are to act on that drama-like story written by that department of the State. What the Indian police is, we all know. If their statements are to be accepted as true, it will be very difficult for us to find cases which can ever be described as false, and if they (the policemen) are to be considered as respectable gentlemen, it will be very difficult for us to find the contrary.

[Sirdar Harbans Singh Brar.]

Sir, is it right now, at the time when Government are trying to ease the political situation in this great sub-continent, that they should try to persecute the young men and women in this country? Is it fair for them that they should start in a spirit of vengeance to solve the political situation of the country? Nobody in this House or outside would support terrorism as such. None of us would ever like to lend our support to such a movement. But what we feel is that the remedy applied to it is not going to prove the proper remedy, but it will prove to be an incentive to the movement itself. It will not suppress the movement. When one person is detained in prison, it will produce ten to take place. The fact that we, the people of the Opposition, are here is a proof of our moderation. Had we been extremists, then our place would have been in Deoli or in some other jail. But even our moderate amendments like the one that the provisions of this Bill should be complied with have not been accepted and that shows the spirit with which the Government are trying to persecute the spirit of nationalism. Now, that we have had many a battle between the Government and nationalism and that at every time conciliation was found to be the only remedy and that repression did not succeed, this should have opened the eyes of the Honourable the Home Member, now nearing his retirement. He must have realised that it is no use trying the old-fashioned quack remedies which, instead of proving real remedies, will increase the disease all the more and prove to be an incentive to the movement which they have at heart to suppress.

Sir, I feel it with sorrow and I utter it with great reluctance, that these measures, these policies and these actions of Government will undo what I always loved and valued, namely, the friendship and co-operation of the British people with Indians. My five years stay in England brought me into contact with the best of Englishmen, from the retired reactionary Civilian to the most up-to-date socialist of the Glasgow type. Among my friends I counted Sir Michael O'Dwyer and Mr. Maxton. I can say on the floor of this House that they valued my friendship. My views were the same as they are now. I always spoke with the utmost frankness about how I felt about it, and it was my frankness regarding the political conditions in India that made even the die-hards like me. I addressed meetings there on the Indian political situation. In Scotland at Edinburgh, and in Glasgow and even in London, I addressed meetings. Those contacts with the people there made me love them and love their principles of liberty and democratic government, and their jurisprudence that every one is presumed innocent until and unless the contrary is proved. That made me admire them. But, alas! these Christian gentlemen who have come to the East to give God to the heathens advocating the spirit of Christ and to give English jurisprudence to these people in preference to their own mediæval laws are now trying to forget those English principles and trying to govern this country and direct the destinies of the people in other ways, all the time professing to lead us to the progressivism of the West. This is the inheritance they are going to leave to the future Governments of India, of jurisprudence. Here, I appeal to the heart of the Honourable the Home Member that now that he is going away from this unpleasant atmosphere of a coercive Government in India, now that he is going to that great freedom loving country, to that great nation which has fought for the freedom and the principle of self-determination of another people in addition to their own, I appeal to him that he should

give the spirit of English jurisprudence to the man in the street, to the ordinary citizen of the State and even at this late date I appeal to him to realise that in the past even in this country repression and coercion and persecution have failed as a remedy. On the other hand it has proved as an incentive to discontent, and that reconciliation and large mindedness of dealing with the problems with a broader outlook have succeeded. I appeal to the Honourable the Home Member that he should even now consider the advisability of giving up these measures and these remedies for dealing with the most complicated situation. Sir, these regulations have been tried from time almost immemorial and these regulations have been on the Statute-book for over a century. This detention without trial has not been able to suppress the spirit of nationalism and the spirit for liberation of the country from autocracy in that one province of Bengal, what to say of in the whole of India. This has been tried in the last century and it was tried early in this century but proved of no avail. Is experience of no utility, is reason of no benefit to the Members opposite? Are they always to be guided by the mere fact that they have a mechanical majority in this House? Are they only to consider whether a measure is good or bad by the fact that they have a standing majority due to the presence of the official block? In that spirit they will not be able to carry out the mission for which they profess to have come here, for the mission which they profess to carry out as also the pledges of the Sovereign given to India to be a self-governing Dominion within the Commonwealth of the British Empire. It is nothing but a modest demand from these Benches that fairness must be shown in all measures to the views of those who represent public opinion on the floor of this House. It is we who have come here to represent the masses, the teeming millions, for safeguarding whose interests the Honourable Members opposite justify their presence within the borders of this land. Is it to their interest that they should alienate the feelings of even moderate people by adopting measures which men of experience and culture like Diwan Bahadur Mudaliar think will not serve as a remedy for the disease which the Government are trying to eradicate from the young men of Bengal? Is it fair that with the Round Table Conference going on in London, the Consultative Committee in the Viceregal Lodge, the Franchise Committee on the rails, we should, on the other hand, instead of appeasing the conditions in the country, instead of winning support for the reforms coming in the near future, force the people to feel that the Government are not showing their *bona fides* and that the Government are not really doing within their inner councils what they are professing to do for the betterment of the political condition of the country? In the year 1930 they were feeling in the same strain as now of suppressing the national spirit, but after a year's trial they came to the conclusion that they were tired of repression and could pursue it no longer. They thought that conciliation was the only remedy which could solve the problem and save the situation. We are not aware of the reasons which again led them to start the same old method of solving the problem, namely, repression. Early in the year they thought that they would take five or six weeks to suppress the movement and crush the Congress. Even now after about three months they are not sure whether this period of six weeks is not going to be extended to ten times that period to enable them to crush the Congress. Either today or tomorrow history will repeat itself. Conciliation will again have to be considered as the only remedy. Why embitter feelings? Why prolong the agony? Why not come to grips with the situation? The hand of friendship from the Indian side is extended to them, it is for them to grasp it.

Mr. K. Ahmed: Ask for 30 per cent. representation for Sikhs in the services.

Sirdar Harbans Singh Brar: I would be the last person to deny a fair share to the community which my friend Mr. K. Ahmed represents. I think Hindus, Muhammadans, Christians

Mr. President: Need the Honourable Member go into all these questions at this late hour?

Sirdar Harbans Singh Brar: Everybody and every community feels that the situation can only be solved by conciliation. Measures like the present will only add insult to the injury. It will not in any way stop either the movement in Bengal or appease the national situation outside. I appeal now to the Honourable the Home Member that history is bound to repeat itself. Let them retrace their steps and even now revise their decision and not pursue this measure to its logical end and put it on the Statute-book. I appeal to him that he should win the sympathy of the young men in the solution of the problem and win the heart of India before he leaves the shores of Bombay.

Several Honourable Members: The question may now be put.

Mr. President: The question is that the question be put.

The Assembly divided:

AYES—51.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan
Bahadur Malik.
Anklesaria, Mr. N. N.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. G. S.
Bajpai, Mr. R. S.
Benerji, Mr. Rajnarayan.
Bhargava, Rai Bahadur Pandit
T. N.
Bhore, The Honourable Sir Joseph.
Clow, Mr. A. G.
Cosgrave, Mr. W. A.
Crerar, The Honourable Sir James.
Dalal, Dr. R. D.
Fazal Haq Piracha, Shaikh.
Fox, Mr. H. B.
French, Mr. J. C.
Gidney, Lt.-Col. Sir Henry.
Graham, Sir Lancelot.
Gwynne, Mr. C. W.
Howell, Sir Evelyn.
Ishwarsingji, Nawab Naharsingji.
Jawahar Singh, Sardar Bahadur
Sardar.
Joshi, Mr. N. M.

Lal Chand, Hony. Captain Rao.
Bahadur Chaudhri.
Megaw, Major General J. W. D.
Moore, Mr. Arthur.
Morgan, Mr. G.
Mujumdar, Sardar G. N.
Mukherjee, Rai Bahadur S. C.
Nixon, Mr. J. C.
Noyce, Sir Frank.
Pandit, Rao Bahadur S. R.
Pillai, Mr. N. R.
Rafiuddin Ahmad, Khan Bahadur
Maulvi.
Raghubir Singh, Konwar.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rama Rao, Diwan Bahadur U.
Rau, Mr. P. R.
Ryan, Mr. T.
Sahi, Mr. Ram Prashad Narayan.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar,
Captain.
Sykes, Mr. E. F.
Tin Tut, Mr.
Wajihuddin, Khan Bahadur Haji.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

Abdul Matin Chaudhury, Mr.
Azhar Ali, Mr. Muhammad.
Bhuput Sing, Mr.
Biswas, Mr. C. C.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Gunjal, Mr. N. R.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Isra, Chaudhry.
Jog, Mr. S. G.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Liladhar Chaudhury, Seth.
Mitra, Mr. S. C.

Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi
Sayyid.
Neogy, Mr. K. C.
Parma Nand, Bhai.
Patil, Rao Bahadur B. L.
Ranga Iyer, Mr. C. S.
Sant Singh, Sardar.
Sarda, Diwan Bahadur Harbilas.
Sen, Mr. S. C.
Sen, Pandit Satyendra Nath.
Singh, Kumar Gupteshwar Prashad.
Sitaramaraju, Mr. B.
Suhrawardy, Sir Abdullah.
Thampan, Mr. K. P.

The motion was adopted.

The Honourable Sir James Crear: Mr. President, after so many days' debate and at this very late hour, I am sure that the House will not expect, or indeed desire me to say more than a very few words and indeed there are only three things which I do desire to say. The first is this: it has been a matter of very great regret to me that it has been imputed to me, that during the course of the debates on this Bill, more particularly in matters relating to the conditions of detention and the like, I have shown an attitude unsympathetic and lacking in humanity. Honourable Members who have expressed that view, have, I think, forgotten that while much to my regret I was unable to accept several amendments standing on the paper, nevertheless on points of very great substance relating to these matters, I have given assurances which, though they are not to be embodied in the Statute, nevertheless will stand as assurances which will be honoured when the occasion arises. The second thing that I have to say is this: it has been suggested that the whole policy of the Government in dealing with the particular trouble of Bengal also as has been implied with the general political situation, is involved in this measure. My Honourable friend Mr. Arthur Moore said some very pertinent words on that subject. The policy of Government is two-fold, as has been repeatedly said. One is to urge on with all possible expedition the advance in political progress of this country, and in the meantime and predominantly for that purpose, to maintain the only conditions under which that progress can safely and securely be made. The last thing I have to say is this: some remarks which I could only construe in a disparaging sense were made on the Government of Bengal and the Legislature of Bengal. I think, Sir, that if we reflect fairly and candidly on the question, Honourable Members opposite may perhaps misjudge the wisdom or they may misinterpret the motives of the executive Government of Bengal, though I do not think they have any warrant for doing so. But they certainly have no warrant whatever for misjudging the motives and for making reflections upon the intelligence and knowledge of the situation which has been displayed by that Legislature. Therefore, I say once more,—that we ought to treat with due respect and due regard the strongly expressed views of that Legislature, and as the Central Legislature we ought to render them the assistance which they require from us.

Mr. President: The question is:

"That the Bill, as amended, be passed."

do they approve of a revival of the Scheme of the Simon Commission or of the Indian Central Committee in any shape or form.

(Sd.) HARI RAJ SWARUP,	(Sd.) K. P. THAMPAN,
„ B. N. MISRA,	„ SATYENDRANATH SEN,
„ GAYA PRASAD SINGH,	„ SUKHRAJ ROY,
„ HARBANS SINGH,	„ DHIRENDRA KANTA LAHIRI
„ KRISHNAMACHARIAR,	CHAUDHURY,
„ RAGHUBIR SINGH,	„ C. C. BISWAS,
„ B. L. RASTOGI,	„ K. C. NEOGY,
„ H. B. SARDA,	„ BHUPUT SING,
„ S. G. JOG,	„ SATISH CHANDRA SEN,
„ AMAR NATH DUTT,	„ T. N. RAMAKRISHNA
„ SANT SINGH,	REDDI,
„ LILA DHAR,	„ RAMESHWAR PRASAD
„ ISRA CHAUDHRI,	BAGLA,
„ C. S. IYER,	„ B. DAS,
„ JAGANNATH AGGARWAL,	„ B. V. JADHAV.

CANDIDATES APPOINTED TO THE SUPERIOR TELEGRAPH AND WIRELESS
ENGINEERING BRANCHES, POSTS AND TELEGRAPHS DEPARTMENT.

1085. *Mr. B. Sitaramaraju: (a) Is it a fact that two candidates have been appointed, with effect from the 1st March, 1932, to the Superior Telegraph and Wireless Engineering Branches (Posts and Telegraphs Department) on the result of the competitive examination held by the Public Service Commission in November, 1931?

(b) Is it a fact that their position on the consolidated list of candidates for the Superior Engineering Services Examination was 22nd?

(c) Is it a fact that as a result of their selection the sixth candidate on that list has not been selected either for the I. R. S. E. or for the I. S. E.?

(d) Is it a fact that the principle followed in making the selection last year was to treat the examination as a combined one for all the three Superior Engineering Services and to select from the consolidated list as many of the topmost candidates as there were open vacancies in all the three Engineering Services combined?

(e) Is it a fact that the result of the selection for the I. R. S. E. and the I. S. E. on the result of the Superior Engineering Services Examination held in November last has not yet been announced? If so, will Government explain the reason for making appointments to the Superior Telegraph and Wireless Engineering Branches (Posts and Telegraphs Department)?

(f) Is it a fact that the principle followed last year in making the selection for the I. R. S. E. or I. S. E. has not been followed in the case of the sixth candidate mentioned in part (c) above?

The Honourable Sir Joseph Bhore: (a) The two candidates alluded to have been selected for training with a view to appointment as stated.

(b) They were twenty-second and twenty-third in the list.

(c) and (d). Yes.

(e) The selection was announced in two Press Communiqués dated the 24th and 21st March, respectively.

The second part of the question does not arise.

(f) In so far as last year, those who were highest in the list were all selected for the service, whereas this year the first four candidates and the 22nd and 23rd were selected, the practice has not been uniform. In making their selections, Government gave the top candidates their first preference. Messrs. Saroj Kumar Kanjilal and Prem Mahesh Agarwala were the next persons in order of merit who had entered themselves as candidates for this service.

ARREST OF MR. W. A. EDGE OF THE PUBLIC WORKS DEPARTMENT, DELHI,
FOR ALLEGED EMBEZZLEMENT.

1086. *Sirdar Harbans Singh Brar: (a) Will Government please state if it is a fact that Mr. W. A. Edge, S.D.O. of Central P. W. D., Delhi, was arrested by the police on 15th March, 1932, in connection with alleged embezzlement of I. D. R. charges at Barakhamba?

(b) If the answer to the above be in the affirmative, will Government say if they have suspended Mr. Edge and if not, why not?

(c) If Mr. Edge is kept on duty can he under the rules deal with matters having direct or indirect bearing on his case?

The Honourable Sir Joseph Bhore: (a) Yes.

(b) Mr. Edge was not suspended. Before arrangements could be made to relieve him, the case against him was withdrawn and he was discharged.

(c) Does not arise.

DISTINCTION BETWEEN JAINS AND HINDUS IN CONNECTION WITH
RETRENCHMENT IN THE OFFICE OF THE ACCOUNTANT GENERAL,
CENTRAL REVENUES.

1087. *Mr. Lalchand Navalrai (on behalf of Bhai Parmanand): (a) Is it a fact that discrimination has been made by the office of the Accountant General, Central Revenues, between the Jains and other Hindus in the matter of retrenching the employees in that office?

(b) If the answer to part (a) is in the affirmative, do the authorities in that office propose to create a kind of differentiation between the Jains and other Hindus? If not, what are their reasons for the above discrimination?

Mr. J. C. Nixon: Enquiry is being made and a reply will be laid on the table in due course.

†1088.

†Question withdrawn by the questioner.

FINANCIAL RELATIONS BETWEEN THE CENTRAL GOVERNMENT AND THE PROVINCES.

1089. ***Mr. B. Das:** (a) Will Government be pleased to state whether the new constitutional reforms will simultaneously bring readjustment of financial relations between the Centre and provinces?

(b) Is the Federal Finance Committee looking into this aspect of the question?

(c) Will Government be pleased to state whether they intend to adhere to the principle of equitable distribution of tax between the Centre and provinces, as has been the practice since 1921, or do they want to go back to pre-Montagu-Chelmsford Reforms policy again and collect taxes at the centre and distribute to provinces as has been done in the case of the North-West Frontier Province by giving it a subvention of one crore of rupees from Central funds?

(d) Do Government propose to allocate further taxes from the Centre to the North-West Frontier Province, so that it will do three years hence without the subvention?

The Honourable Sir George Rainy: (a) The Government of India are unable to state what the new constitution will provide in this matter.

(b) The Federal Finance Committee will report on certain aspects of the question.

(c) I cannot at this stage state what the Government of India's opinion will be on any proposals which may eventually be made.

(d) The position of the North-West Frontier Province will depend upon the final constitutional arrangements which may be adopted.

SUBVENTION GRANTED TO THE NORTH-WEST FRONTIER PROVINCE.

1090. ***Mr. B. Das:** (a) With reference to the announcement of the grant of a subvention to the North-West Frontier Province in the Honourable the Finance Member's speech in paragraph 36:

"The subvention is to be operative for three years, or until the new constitution for India is inaugurated—whichever is the earlier. In either event the position will again be revised".

will Government be pleased to state if it will be left to the new Assembly (Federal Assembly or whatever it be called) to revise the amount of subvention to the North-West Frontier Province?

(b) Will Government be pleased to state whether this subvention of one crore of rupees will be incorporated also in the new Government of India Act, arising out of the constitutional reforms?

The Honourable Sir George Rainy: (a) and (b). It is impossible for me at this stage to say what procedure will be provided for in or under the new legislation for such a payment as this.

Consequently I am unable to reply explicitly to part (b) of the question, but the Honourable Member may rest assured that due provision will be made in the new Act.

GRANTS TO ORISSA AND SIND AND FOR BUILDINGS IN NEW DELHI.

1091. ***Mr. B. Das:** (a) Will Government be pleased to state whether they propose to grant lump sum provincial balances to the Provinces of Orissa and Sind as stated in the footnote at page 685 of the Detailed Estimates and Demands for Grants ("a sum of rupees ten lakhs from the Government of India balances will also be placed at the disposal of the new province")?

(b) Are Government making any special contribution towards the Council and other buildings of the new Government?

The Honourable Sir George Rainy: (a) The Government of India are not at present proposing anything of this kind.

(b) The Government of India assumed an expenditure of Rs. 3 lakhs for special building operations necessitated by the new status of the North-West Frontier Province in estimating the amount of the opening balance to be allotted to the province.

Mr. B. Das: Will the Honourable Member bear in mind the suggestion made in the question?

The Honourable Sir George Rainy: I am sure my Honourable colleague always bears in mind my Honourable friend's suggestions.

PROTECTION FOR THE COTTON MILL INDUSTRY.

1092. ***Mr. B. Das:** (a) Will Government be pleased to state if they have referred the question of protection to the cotton mill industries to the Tariff Board? What are the terms of reference of this inquiry?

(b) Did the cotton mill industries ask for such an inquiry at present?

The Honourable Sir George Rainy: (a) and (b). Government have not yet referred the question of protection to the cotton mill industry to the Tariff Board for enquiry but they propose to do so shortly in accordance with the undertaking given in this House by the Honourable the Finance Member in his Budget speech on the 29th February, 1930, and by me on the 13th March, 1930, during the passage of the Cotton Textile Industry (Protection) Bill. The terms of reference, when formulated, will, as usual, be published in the Gazette of India.

NUMBER OF CLERKS IN THE OFFICE OF THE SUPERINTENDENT OF EDUCATION, DELHI, AJMER-MERWARA AND CENTRAL INDIA.

1093. ***Mr. S. C. Mitra** (on behalf of Mr. B. N. Misra): (a) Will Government be pleased to state the number of clerks working in the Office of the Superintendent of Education, Delhi, Ajmer-Merwara and Central India and how many of them are Hindus, Muslims and others?

(b) Is it a fact that the son of the Head Clerk of that office is also working under his father?

Sir Frank Noyce: (a) There are ten clerks in the Office of the Superintendent of Education, Delhi, Ajmer-Merwara and Central India, of whom seven are Muslims and three Hindus.

(b) Yes.

DEPARTMENTAL PUNISHMENT OF GOVERNMENT SERVANTS.

1094. ***Mr. S. C. Mitra** (on behalf of Mr. B. N. Misra): Will Government please state if it is a fact that no departmental punishment is permissible under rules in the following cases:

- (a) if a Government servant merely attends a political meeting and takes no part in the proceedings thereof;
- (b) if a Government servant is honourably acquitted or discharged after full enquiry by a court of law on the charge of bribery or any other allegation amounting to moral turpitude such as misappropriation of Government money, etc., and
- (c) if a Government servant, though handed over to the police, is not ultimately challaned by that authority for want of evidence against him?

The Honourable Sir James Crerar: (a) The attention of the Honourable Member is invited to rules 22 and 23 of the Government Servants Conduct Rules, a copy of which is in the Library.

(b) and (c). An order of acquittal or discharge by a court of law is not necessarily a bar to the institution of departmental proceedings. Nor would the inability of the police to pursue an investigation into the conduct of a Government servant always prevent such conduct being the subject of departmental proceedings.

INDIAN ARMY CADETS ADMITTED TO SANDHURST.

1095. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Sir Abdullah Suhrawardy): (a) Will Government please state the total number of Indian Army Cadets who have been admitted into the English Sandhurst by nomination up to now? How many of them were above the age of 25 on the date of their nomination?

(b) Have Government considered the following recommendation of the Indian Military College Committee which was presided over by His Excellency the Commander-in-Chief:

"Indian Army Cadets will ordinarily be eligible for nomination as at present up to the age of 25. As for some years to come at any rate, it may be difficult to obtain from the ranks youngmen of 25 or under possessing sufficient educational qualifications, it is desirable that the condition of age should be waived, as is also the present practice for the next few years?"

(c) Do Government propose to waive the condition of age in the case of those Indian Army Cadets who are members of the regular units of the Indian Army and of the Auxiliary and Territorial Forces? If so, to what extent? If not, why not?

Mr. G. M. Young: (a) The total up to date is seven. One was over 25 years of age. The figures given at the end of paragraph 13 of the Indian Military College Committee's report appear to have been incorrect.

(b) Yes.

(c) It will not be necessary to do so, since no difficulty is now anticipated in obtaining a sufficient number of Indian Army cadets below the age of 25 years.

PORTERS OF THE RAILWAY MAIL SERVICE "A" DIVISION REMOVED FROM SERVICE.

1096. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Rai Bahadur Lala Brij Kishore): (a) Is it a fact that some porters of R. M. S. "A" Division have been removed from service? If so, how many and on what grounds?

(b) Will Government be also pleased to state how many have been reinstated after an appeal to the Postmaster General, United Provinces and how many of these are still unprovided for and outsiders working in their places

Mr. T. Ryan: With your permission, Sir, I propose to take questions Nos. 1096, 1097 and 1098 together. Government have no information on the points raised in these questions with all of which, however, it is within the competence of the Head of the Circle to deal. A copy of the questions is accordingly being forwarded to the Postmaster General, United Provinces, for such action as he may think desirable.

DISSATISFACTION AMONG STAFF OF THE RAILWAY MAIL SERVICE "A" DIVISION.

†1097. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Rai Bahadur Lala Brij Kishore): (a) Are Government aware of the fact that great dissatisfaction prevails among the staff of R. M. S. "A" Division if so, why?

(b) Do Government propose to make any inquiries?

PORTERS APPOINTED TO THE RAILWAY MAIL SERVICE "A" DIVISION.

†1098. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Rai Bahadur Lala Brij Kishore): (a) Is it a fact that many porters have been appointed in the R. M. S. "A" Division, without producing medical certificates of fitness and without the approval of the Postmaster General? If so, what departmental action do Government propose to take in the matter?

(b) Is it a fact that certain porters of other Circles have been taken in the R. M. S. "A" Division, without the approval of the Postmaster General, United Provinces, and their travelling allowance bills passed? If so, what action has been taken in the matter?

SHORT NOTICE QUESTION AND ANSWER.

SECRET EUROPEAN CIRCULAR REGARDING THE REFORMS.

Mr. Lalchand Navalrai: (a) Has Government's attention been drawn to the article in the *Tribune* of the 20th March, 1932, under the caption "Secret European Circular"?

(b) Are the facts contained in it impugning the *bond fides* of the present British Government regarding the Round Table Conference, their mind to break up the Conference in order to fight the Congress and give only nominal reforms to India correct?

†For answer to this question, see answer to question No. 1096.

(c) Is it a fact that in consequence a plan was adopted in which the British Government, the Europeans, the Muslims, the Princes and the minorities joined hands and also succeeded in roping in their so-called "strange companions" the Moderates represented by Sir T. B. Sapru, Sir A. P. Patro, Mr. M. R. Jayakar and others?

(d) Is it a fact that in consequence the Europeans of the Round Table Conference pressed upon Government to show one essential earnest of good faith, viz., to undertake to bring in the Provincial and Central constitutions in one Act?

(e) Is it a fact that in return the Europeans of the Round Table Conference promised the Muslims to find places for them in European firms?

(f) Is it a fact that all this took place sometime before the United Provinces Congress Committee passed a resolution advising tenants in a particular district in the province to withhold payment of rent and long before the Congress restarted the civil disobedience movement?

(g) Is it a fact that Mr. Benthall was one of the members of the Round Table Conference?

(h) If so, is it a fact that Mr. Benthall or any other European has issued the circular in the terms mentioned in the aforesaid article to give effect to the above-mentioned secret settlement?

(i) Are Government prepared to deny that such a circular has been issued?

(j) Are Government prepared to repudiate the charges mentioned in the aforesaid article publicly by a press communiqué and make a full statement on the subject on the floor of this House? If not, why not?

(k) If what are stated above are correct, will Government be pleased to state what is their present object in carrying on the Round Table Conference Committees any further and at such enormous cost?

The Honourable Sir George Rainy: (a) Government have seen the Press accounts of the circular. They have no other information regarding it.

(b) to (k). Government are concerned with the other part of the question only in so far as they relate to first, the suggestion of bad faith on the part of His Majesty's Government as regards the Round Table Conference and their policy of constitutional reforms for India, and second, the implication that action was taken against the Congress not because of their activities but as part of a preconceived plan.

In regard to the first, I would refer the Honourable Member to the statement made by the Prime Minister on the 1st December last, which contains a full enunciation of the policy of His Majesty's Government; I would further remind him of the intensive efforts that have since been made, and are now being made, to expedite the progress of the reforms; I would also refer him to the statement issued by His Majesty's Government on March the 19th, 1932, and to the speech made by the Secretary of State in the House of Commons on March 24th, 1932. These contain a complete refutation of the first suggestion.

In regard to the second, there is no foundation whatsoever for the suggestion that the action taken against the Congress was not determined solely and entirely by the situation created in India, and particularly in the United Provinces and the North-West Frontier Province, by their activities. In this connection I would refer the Honourable Member to the statements issued by the Government of the United Provinces on the 14th of December, 1931, by the Chief Commissioner of the North-West Frontier Province on the 24th and 30th December, 1931, and by the Government of India on the 4th January, 1932.

Mr. N. M. Joshi: Mr. Benthall in his letter says that as a result of the election the policy of Government undoubtedly changed. I want to know how that policy changed?

The Honourable Sir George Rainy: I see no obligation resting on Government to explain circulars attributed to particular private individuals.

Mr. N. M. Joshi: I am not asking him to explain the circular. I am asking how the policy of the national Government changed?

The Honourable Sir George Rainy: The Honourable Member is assuming that the statement attributed to Mr. Benthall in this newspaper article is correct.

Mr. K. C. Neogy: What responsibility have the Government had in the selection of Mr. Benthall as a delegate to the Round Table Conference.

The Honourable Sir George Rainy: It has been explained many times that the selection is made by His Majesty's Government and not by the Government of India.

Mr. K. C. Neogy: Undoubtedly so, but did the Government of India have any hand whatsoever in the matter? That is my question. Did the Government of India forward his name or suggest his inclusion in the delegation?

The Honourable Sir George Rainy: The Government of India are not the constitutional advisers of His Majesty's Government in this matter. It rests entirely with the Government at home as to whom to consult and whom not to consult.

Mr. K. C. Neogy: I understand the constitutional implications of the position. My whole question is, had the Government any hand whatsoever in this matter?

The Honourable Sir George Rainy: I am speaking purely from recollection, but I do not recollect the Government of India making a single corporate recommendation.

Mr. K. C. Neogy: What does the Honourable Member mean by the expression "single corporate recommendation?"

The Honourable Sir George Rainy: I mean what I say.

Mr. K. C. Neogy: Will the Honourable Member kindly explain the expression having regard to the fact that English is not my mother tongue?

Will the Honourable Member now represent to His Majesty's Government in England that in so far as Mr. Benthall has misrepresented the objects with which the Government at home are actuated in regard to the reforms, they should consider the desirability of removing Mr. Benthall from the European delegation.

The Honourable Sir George Rainy: The Honourable Member is assuming that the Government have any knowledge whether this article correctly ascribes certain views to Mr. Benthall. The Government of India have no such knowledge.

Mr. K. C. Neogy: Will the Government be pleased to write to the Home Government and ask them to write to Mr. Benthall and find out whether this is a correct copy of the letter?

The Honourable Sir George Rainy: The Government of India see no reason for taking any such action.

Mr. K. C. Neogy: Do I take it that the answers to this question are being given by the Honourable Member without any reference to the Home Government?

The Honourable Sir George Rainy: The Honourable Member knows perfectly well that no disclosures are ever made as regards communications between the Government of India and His Majesty's Government.

Mr. K. C. Neogy: Well, I know that.

Sardar Sant Singh: Is it a fact, as stated by Mr. Benthall in this particular letter, that he consulted the best legal opinion available, of the Law officers of the Crown, of the India Office and of the Foreign Office. May I know who pays the Law Officers of the India Office—India or the British Government? If the advice was given by the India Office lawyers, was it done with the consent of the Government of India?

The Honourable Sir George Rainy: I have no information as to how it was done.

Mr. K. C. Neogy: Will the Honourable Member take steps to ascertain whether it was done or not?

The Honourable Sir George Rainy: I do not see any sufficient reason for doing so.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to state if the Government have consulted or inquired from Mr. Benthall as regards this article, after this short notice question was put?

The Honourable Sir George Rainy: No, Sir.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to state who is this D. W. Mullick who has subscribed to this article?

The Honourable Sir George Rainy: I have no idea.

Mr. Lalchand Navalrai: This article was published first in the *Advance* of Calcutta and it was subscribed by Mr. D. W. Mullick. Has the Honourable Member made any inquiry or does he know who this Mr. Mullick is?

The Honourable Sir George Rainy: The answer is in the negative.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to state if, after this short notice question was put, there was any communication with the Secretary of State, and will the Honourable Member also explain why consent to this short notice question was given so late as to-day? The question was put on the 24th of this month.

The Honourable Sir George Rainy: I have already said that we do not in any circumstances disclose communications which pass between the Government of India and the Secretary of State.

Mr. Lalchand Navalrai: I only want to know a fact, whether the Secretary of State was communicated with or not?

The Honourable Sir George Rainy: I am afraid I am not prepared to satisfy the Honourable Member's curiosity.

Mr. Lalchand Navalrai: Will the Honourable Member please say why there was delay in giving his consent to this short notice question being asked?

The Honourable Sir George Rainy: Government are not bound to accept short notice.

Mr. Lalchand Navalrai: That is quite true. I am asking why there was delay in giving consent. I do not dispute the right of the Government not to accept short notice questions.

The Honourable Sir George Rainy: I do not think the Honourable Member is entitled to have a reply to that question.

Mr. Muhammad Yamin Khan: Was it not due to the Easter holidays?

Mr. C. C. Biswas: Is the Honourable Member aware that his refusal to supply answers is more eloquent than any reply that he might have given?

Mr. Gaya Prasad Singh: Is it because the surreptitious activities of Mr. Benthall are in consonance with the wishes of the Government of India that the Government of India refuse to take any steps in the matter?

The Honourable Sir George Rainy: I am not aware of any surreptitious activities of Mr. Benthall, and the Government of India have no sympathy with surreptitious activities of any one whatsoever.

Mr. N. M. Joshi: In view of the disclosures made in Mr. Benthall's letter, are the Government of India prepared to give an opportunity to this House to discuss the new facts brought to light?

The Honourable Sir George Rainy: The Honourable Member is still assuming that we have information that this is the circular issued by Mr. Benthall. We have no such information.

Mr. K. C. Neogy: May I know whether the Honourable Member has come across any contradiction that may have appeared in the Press so far from Mr. Benthall, that is to say, has he ever challenged the accuracy of the facts as published in the Press?

The Honourable Sir George Rainy: Government have no information.

Mr. K. C. Neogy: Will the Honourable Member kindly ask the Director of Public Information to go through the files of newspapers and satisfy himself as to whether such a contradiction has ever appeared in any papers?

Mr. C. C. Biswas: Will the Honourable Member kindly state why no categorical answers were given to the several parts of the question?

The Honourable Sir George Rainy: I have answered the question fully in so far as it relates to matters for which the Government are responsible.

Mr. C. C. Biswas: Will the Honourable Member kindly state, with reference to the suggestion of bad faith to which reference is made, whether that suggestion is contained in the question or in the statement attributed to Mr. Benthall—I mean, the suggestion of bad faith on the part of Government?

The Honourable Sir George Rainy: I will read my answer over again; "(b) to (k). Government are concerned with the other parts of the question only in so far as they relate to, first, the suggestion of bad faith on the part of His Majesty's Government as regards the Round Table Conference and their policy of constitutional reforms for India, and, second, the implication that action was taken against the Congress not because of their activities but as part of a preconceived plan."

That suggestion and that implication are repudiated in my answer.

Mr. C. C. Biswas: Sir, in the latter part of his answer the Honourable Member stated that the statements to which reference was made by him contained a complete refutation of any suggestions of bad faith and so on. What I am now asking is whether the suggestions of bad faith were contained in the question of my Honourable friend, or whether the suggestions were contained in the statements which appeared in the secret circular.

The Honourable Sir George Rainy: I have given an unqualified repudiation of the suggestion and of the implication.

Mr. C. S. Ranga Iyer: Will Government be pleased to state, with reference to the statement that the Honourable the Leader of the House has made regarding the expediting of reforms, whether it is their purpose to expedite the reforms with Mahatma Gandhi in jail, or whether they propose to release Mahatma Gandhi, and thus create an atmosphere of good will, and secure his presence at the Third Round Table Conference?

The Honourable Sir George Rainy: The Government policy in that matter has I think been very clearly stated—and it is strange my Honourable friend seems not to be aware of it—not longer ago than yesterday.

Mr. C. S. Ranga Iyer: Are Government aware that the result of the Round Table Conference will be a failure till this policy of repression is reversed and those who are in jail are released and a new policy of conciliation is inaugurated?

The Honourable Sir George Rainy: That, Sir, is a matter of opinion, which I think this House has debated five or six times during this session.

Some Honourable Members: Not a matter of opinion but a matter of fact.

Mr. C. S. Ranga Iyer: Will Government be pleased to state whether they propose to initiate at the proper place the starting of conversations with Mahatma Gandhi to secure his co-operation at the Third Round Table Conference, thereby following the precedent established by Lord Irwin?

The Honourable Sir George Rainy: I do not see, Sir, how that in any way arises out of the question or from the answer I have given.

Mr. C. S. Ranga Iyer: With regard to the expediting of the reforms, do the Government realize the futility of expediting the reforms, with the Congress leaders in prison?

The Honourable Sir George Rainy: Government desire, Sir, to take every step that in their view will expedite the reforms,—and obviously the Honourable Member is endeavouring to lead me on to what is essentially a question of opinion.

Mr. Lalchand Navalrai: Are the reforms contemplated going to be nominal or substantial?

Mr. B. Sitaramaraju: In view of the fact that grave allegations have been made in the Press, and in view also of the fact that the document that has come to light is in the nature of a secret document, will the Honourable the Leader of the House still rely upon His Majesty's Government's statement, or should he not, in the interest of the good name of the Government, see that this thing should be publicly repudiated by Government in a statement?

The Honourable Sir George Rainy: I have nothing to add, Sir.

Mr. B. Das: Is it not a surprising coincidence that the views of the Associated Chambers of Commerce and of the European Association regarding financial safeguards and commercial safeguards entirely agree with the views of the diehards in England like Mr. Churchill and Lord Rothermere, etc., and that they also agree with the views advocated by the Treasury Benches here?

The Honourable Sir George Rainy: I am afraid I cannot add to the very full answer I have already given.

Mr. B. Das: Does not the Honourable Member agree with me that the views of Mr. Benthall, of the Associated Chambers of Commerce and also of the diehards in England as also of the Treasury Benches here somehow or other coincide nicely?

The Honourable Sir George Rainy: Sir, I must adhere to what I have already said.

Sardar Sant Singh: May I ask the Honourable gentleman as to how this miracle has happened? Mr. Benthall says these phrases:

"On the whole, there was one policy of the British Nation and the British community in India and that was to make up our minds on a national policy and to stick to it. But as the result of the elections the policy 'undoubtedly' changed. The right Wing of the Government made up its mind to break up the Conference and to fight Congress. The Muslims, who do not want responsibility at the Centre, were delighted. Government undoubtedly changed their policy and tried to get away with Provincial autonomy with a promise of Central Reforms, what line were we to take? We had made up our minds before this—that the fight with the Congress was inevitable; we felt and said the sooner it came the better but we made up our minds that for a crushing success we should have all possible friends on our side."

Now the circumstances came to turn out exactly as had been foreshadowed by Mr. Benthall. I want to know what is the reason,—the meaning of all that?

The Honourable Sir George Rainy: I cannot add to the very full answer I have already given.

Mr. C. C. Biswas: Sir, is it a fact that most of the Ordinances against the Congress had been got ready long before the end of November, i.e., long before the Second Round Table Conference dissolved? (*Some Honourable Members:* "Please answer".)

Mr. K. C. Neogy: Will the Legislative Secretary give us the answer to this particular question? He is the person who is supposed to have drafted the Ordinances. May I ask when he drafted them?

The Honourable Sir George Rainy: Sir, I have answered the question very fully and very completely already. (*Some Honourable Members:* "Not at all".)

Mr. Amar Nath Dutt: I think, Sir, we are entitled to ask these questions of the Honourable Members of the European group through their leader Mr. Arthur Moore, whose representative Mr. Benthall was in the Round Table Conference.

ELECTION TO THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

Mr. President: Order, order. I have to inform the Assembly that the following non-official Members have been elected to serve on the Standing Advisory Council for Railways, namely:

1. Sirdar Sohan Singh.
2. Lieut.-Colonel Sir Henry Gidney.
3. Sir Abdullah Suhrawardy.
4. Kunwar Raghubir Singh.
5. Pandit Satyendranath Sen.
6. Sardar Sant Singh.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Secretary of the Council of State:

"I am directed to inform you that the Council of State has, at its meeting held on the 30th March, 1932, agreed without any amendment to the Bill to extend the operation of the Salt (Additional Import Duty) Act, 1931, which was passed by the Legislative Assembly at its meeting held on the 23rd March, 1932."

STATEMENTS LAID ON THE TABLE.

PERIOD OF TOUR OF THE COMMISSIONER OF INCOME-TAX, BOMBAY IN SIND.

The Honourable Sir George Rainy: Sir, in the unavoidable absence of my Honourable Colleague, the Finance Member, I lay on the table the information promised in reply to starred question No. 657 asked by Mr. Lalchand Navalrai on the 7th March, 1932, regarding the period of tour of the Commissioner of Income-tax, Bombay, in Sind.

(a) The time spent by the Commissioner on visits to Sind was as follows:
1928-29, 11 days of which 6½ were spent on the journey. The tour was cut short by fever,

1929-30, 13½ days of which 7 were spent on the journey,

1930-31, The Commissioner was in Karachi on 19th and 20th hearing revision petitions. He had intended to visit Sind in March but postponed his tour because he was to accompany a Member of the Central Board of Revenue on a tour in the Presidency proper.

In the calendar year 1931, he spent 14½ days on a visit to Sind of which about 7 were spent in travelling.

(b) and (c). No, but persons or bodies who have expressed a desire to discuss matters with the Commissioner are informed direct of his visits if he considers that it would be proper for him to interview them.

The Central Board of Revenue is suggesting to the Commissioner that he should publish his tour programmes when possible.

TAXATION IN THE CAWNPORE CANTONMENT.

Mr. G. M. Young (Army Secretary): Sir, I lay on the table a statement giving the information promised in reply to starred question No. 355, asked by Sirdar Sohan Singh on the 15th February, 1932, about taxation in the Cawnpore Cantonment.

(a) and (b). Yes.

(c) Permission was at first refused but was granted later and two meetings of the Association were held in the locality mentioned.

(d) No.

THE PORT HAJ COMMITTEES BILL.

Sir Frank Noyce (Secretary, Department of Education, Health and Lands): I would beg your permission, Sir, to move the motion No. 18, which stands in my name.

Mr. President: Does the Honourable Member seek the permission of the Chair to take up item 18 on the Order Paper now?

Sir Frank Noyce: Yes, Sir. I beg to move for leave to introduce a Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hejaz.

Sir, the objects of this Bill are so clearly stated in the Statement of Objects and Reasons that it is not necessary for me to say very much. This is the second of a series of Bills which are intended to implement the recommendations of the Haj Enquiry Committee. The object of the Bill I introduced the other day was to improve the conditions of pilgrims on the voyage from and to India. The object of this Bill is to improve conditions in the ports by converting the Haj Committees which already exist, and which are merely advisory and consultative, into statutory bodies with much wider powers than they have at present.

The object of the third Bill, which I shall shortly introduce, is to improve the condition of pilgrims on their way to and from the ports by controlling the activities of *muallims*, that is, professional pilgrim guides, most of whom are foreign subjects.

Sir, I move..

The motion was adopted.

Sir Frank Noyce: Sir, I introduce the Bill.

THE HEJAZ PILGRIMS (MUALLIMS) BILL.

Sir Frank Noyce: Sir, I move for leave to introduce a Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hejaz.

The motion was adopted.

Sir Frank Noyce: Sir, I introduce the Bill.

THE FOREIGN RELATIONS BILL.

Sir Evelyn Howell (Foreign Secretary): 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, as reported by the Select Committee, be taken into consideration.

It will be within your recollection, Sir, that in the September Session of this House it was decided not to circulate this Bill for the purpose of eliciting opinion thereon but to refer it to a Select Committee, together with the expressions of opinion which were to be obtained by executive action meanwhile. It is in accordance with customary usage, Sir, that the House as a whole by referring it to Select Committee agreed with the principle of the Bill. I do not wish to labour this point at present, but I shall, if necessary, revert to it when I come to deal with the amendment of my Honourable friend Dr. Ziauddin Ahmad. There was then in September a general consensus of opinion in the House that, in the words of my Honourable friend Sir Hari Singh Gour, "We must put down these libels upon foreign States without remorse and without compunction". Sir Hari Singh Gour himself consented to serve on the Committee, and I take this opportunity, though he is not here and I greatly regret his absence, to tender to him and to the other Members of the Committee and, above all others, to my Honourable friend Mr. Shanmukham Chetty, who served as Chairman, my most cordial thanks for the advice and the assistance which they so willingly rendered. (Applause.) The recognition of the evil, which the Bill introduced in the September Session was designed to prevent, and the determination to deal with that evil in the same way as other civilized countries have dealt with it and yet to secure adequate scope for the exercise of the rights of free speech, which is the privilege of all inheritors of the British tradition, mark in my opinion a very statesmanlike attitude on the part of the House. Upon that attitude the House is to be congratulated and I should like to express the hope that they will adhere to it.

So, then, the Bill which the House considered as too wide and consequently a faulty instrument for its declared purpose was referred to Select Committee. From that Committee it has emerged very different indeed in shape, but in principle unaltered. Like the Bill in its original form, it sets out to bring the law in this country into line with the common law of England. From the English common law model, however, the Committee permitted itself one conscious deviation, and in one respect deviated, I think unconsciously, in consequence of its desire, and in my opinion a very natural desire, to secure the rights of the subject. I will deal with the first of these deviations when I come to mention of particular alterations introduced into the Bill by the Select Committee, and with the second at a later stage when I come to move the amendment to clause 2, of which I have given notice. But before I come to particular alterations effected in Select Committee, let me repeat once more a very simple point which a large number of Members of this House still, in spite of all that I and other speakers have said, seem to have a strange difficulty in apprehending. The Bill is designed for the protection of the Rulers of foreign States. A foreign State is one thing, and an Indian State is another. As I told the House twice in my speech on the 21st

[Sir Evelyn Howell.]

September last, "The Bill has nothing whatever to do with the Indian States and in no way affects the publication of any statement regarding their Rulers". I now say it a third time, and I ask you, Sir, and I ask the House to believe me and, if it is still there, forthwith to expel this particular bogey from their minds.

We now come to the particular alterations effected by the Select Committee. The first point which Honourable Members will notice is that whereas, like the English common law, the Bill in its original form was universal and attempted to secure some measure of protection for all foreign Rulers alike, it has now become particular and is restricted in its scope to certain Rulers, to wit, the Rulers of States outside but adjoining India. This change introduces into the Bill the element of definition of foreign States for which some critics pressed. The application of the Bill to the Indian States was really *ab initio* impossible, but the addition of these words makes it doubly so. But, Sir, not only does this alteration emphasise the exclusion of Indian States, which exclusion was always inherent in the proposals of Government, but, as I have already stated, it also excludes a very large number, in fact, the vast majority, of foreign States from the scope of the Bill. In its present shape the Bill has no application to publications about the Ruler of any foreign State, unless that foreign State is one of these contiguous to India, that is to say, one of those which touch India's land frontiers. The States, which do so touch, are Persia, Afghanistan, China, Nepal, Tibet, Siam and perhaps also Bhutan. Personally, I think this limitation a mistake, for reasons which I should have no difficulty in explaining, though whether it would be wise to do so here and now is another matter. But the alteration found favour with the Members of the Select Committee, and the matter not being vital, I do not, on behalf of Government, think it necessary to press the point. Let the scope of the Bill be confined to these few contiguous States. This, then, is the first conscious deviation from the English common law model, to which I alluded above. In the eyes of my Muslim friends, the alteration has one advantage, as they regard it. It removes from the scope of the Bill such countries and their Rulers as the Hejaz, Iraq and Palestine, none of these being contiguous to India, to which they and their co-religionists are accustomed to go on pilgrimage.

The alterations in the Bill effected by the Select Committee introduce the element of particularity in another respect also. In its original form the Bill, in clause 2, its operative clause, ran 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."

In its present form the same clause of the Bill runs:

"Whoever commits any offence punishable under Chapter XXI of the Indian Penal Code, against a Ruler of a State outside but adjoining India, or against a member of the family or against a Minister of such Ruler, with intent to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State, or whereby the maintenance of such relations is likely to be prejudiced, shall be punishable with imprisonment which may extend to two years, or with fine, or with both."

It will be seen that now, to come within the scope of this clause, not only must the publication be defamatory within the meaning of that word as defined in the Chapter of the Indian Penal Code quoted, but it must be defamatory of a particular person or persons belonging to a particular small group of persons, to wit, the Ruler himself, the members of his family and his Ministers—in other words the Ruler himself and those persons about him whose good name and reputation he may be supposed to regard as precious and therefore disposed to protect, or, to put it in another way, attacks on whom he might be expected to resent. I will deal with the second, and as I think unconscious, deviation from the English common law model when my amendment to clause 2 comes under discussion. It was in respect of this deviation that Sir Lancelot Graham and myself recorded our minute of dissent. Apart from that, the effect of clause 2, as it now stands, is to put the foreign Ruler, in respect of articles in the Indian Press to which he may take exception, precisely, save in one respect in the same position as any private British subject. The sole difference is that whereas private persons aggrieved by defamation have to bring their complaint before the Courts themselves, on behalf of the foreign Ruler, who cannot do that, proceedings may be initiated by the Governor General in Council.

If we now come to clause 3, we see that the Committee have restricted the cognisance of offences under the Act to the Courts of Presidency or First Class Magistrates, and the initiation of proceedings to the Governor General in Council. In practice I think that both restrictions were quite unnecessary, since there was no chance whatever of proceedings being initiated in any lower court or by any other person. However they conform to the customary rules of procedure, and on behalf of Government, I am quite prepared to accept them.

Clause 4 needs no comment.

Clause 5 is designed to relieve the Courts of the task of ascertaining who is and who is not a foreign personage, defamation of whom constitutes an offence. The Courts have no means of obtaining information on this point and the clause calls for no further comment except in one respect. I have explained above that the formula adopted is intended to confine the scope of the Bill to persons, attacks on whom the foreign Ruler might be expected to resent. I admit that the words "members of his family" are capable of wide interpretation, but I would ask the House to have confidence in the Governor General, who is usually selected for his high office because he is a statesman of conspicuous sagacity, and secondly to remember that the Governor General in Council is a responsible authority. Certain amendments have however been proposed in respect of this wording which we, probably, with some slight alterations, will be prepared to consider, so perhaps I need not go into them further at the moment.

Reverting now to the Preamble of the Bill, I draw your attention, Sir, and that of the House to the alteration in the formula used. The original Bill mentioned "statements likely to promote unfriendly relations between His Majesty's Government and the Governments of foreign States", whereas the present Bill calls them "statements likely to prejudice the

[Sir Evelyn Howell.]

maintenance of friendly relations between His Majesty's Government and the Governments of certain foreign States". This matter of phraseology is one primarily for lawyers to determine, and personally I prefer the original form. But I am satisfied with the wording of the Bill, and I would only ask the House to see that under the guise of an amendment a wording is not adopted here which will render the whole provisions of the Bill nugatory by making it impossible for any prosecution ever to succeed. We have a real danger to contend with and we cannot be content with make-believe protection against it.

I do not think, Sir, that there is any other alteration to which the attention of the House need now be drawn. But before I resume my seat, I should like to recapitulate the points which I desire to bring before the House. The main points are these. The Bill has nothing whatever to do with the Indian States. Its scope is confined to defamatory articles, within the meaning of the word defamation as defined in the Indian Penal Code, against the Rulers of a certain small number of States whose territories adjoin the land frontiers of India and to certain persons in close connection with those Rulers either as Members of their family or as principal Ministers of their Government. It places the Rulers of those States on precisely the same footing with regard to defamatory articles as private British subjects except that since those Rulers are unable to appear in Court themselves, it enables the Governor General to take action on their behalf.

In respect of penalties and procedure, the offence, with one small exception, falls within the well established canons of the Indian Penal Code and the Criminal Procedure Code. The small exception is this, that whereas in the penal section in Chapter XXI of the Code, imprisonment may only be simple imprisonment, in the Bill imprisonment of either kind is provided for. With the exceptions above noted and those deviations to which I have alluded and to which I shall revert, the Bill is in general conformity with the principles of the English common law, and statutes resembling it are in force in nearly all the civilised countries of the world. I gave a list of those countries in my earlier speech, and I need not repeat it now. In conclusion I would only remind the House that they have so far dealt with this matter in a very statesmanlike spirit. They have realised the practical difficulty, and as practical men have set out to deal with it. I earnestly adjure them to adhere to that attitude and to give to Government the support necessary to enable them to place upon the Statute-book a measure which will not restrict more than is absolutely necessary the liberties of the subject, while providing a necessary measure of protection for those foreign Rulers with whom it is of vital importance to India that friendly relations should be maintained. Let me assure the House that by so doing they are really safeguarding Indian interests against a very real and a very definite danger.

Sir, I move.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I beg to move that the Bill as reported by the Select Committee be circulated for the purpose of eliciting opinions thereon by the 1st August, 1932. Sir, I do not want at this stage to give a brief summary of the speeches delivered at the Simla Session last year, but I

should like to remind the House of one or two important points made out by my distinguished friends Sir Abdur Rahim and Sir Hari Singh Gour. Sir Abdur Rahim said in his speech:

"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."

Mark the words "fair criticism on a matter of public interest". Then he goes on to say:

"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?"

These were the remarks made by the Leader of the Independent Party, and I will now quote one passage from the speech of Sir Hari Singh Gour, the Leader of the Nationalist Party. He said:

"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; 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 the Bill proposes to do."

These are the criticisms made by the Leaders of the two parties. I should now like to examine whether in the Bill before us these things have been removed. Before I go into the detailed discussion, I should like to draw the attention of the House to the promise made by the Leader of the House (the Honourable Sir George Rainy). He said:

"What I should be prepared to say on behalf of 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."

So a solemn promise was given that the Bill would be circulated and on the receipt of this promise Mr. Maswood Ahmad who originally moved for circulation said:

"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, I do not want to press my motion and I beg leave of the House to withdraw the motion."

Sir, I should like to know whether the Bill was circulated. (*Several Honourable Members*: "Yes") and whether it was circulated only among the Local Governments or circulated among the public. And if it was circulated among the public, I should like to know whether the opinions received from the public were laid before the Committee, because I have got a number of opinions with me here, and I should like to know if all these opinions were considered by the Committee.

Sir Evelyn Howell: Sir, the Bill was circulated to Local Governments and High Courts and by the High Courts it was passed on to numerous Bar Associations. All the documents and all the opinions received were placed before the Committee and considered by them.

Dr. Ziauddin Ahmad: Whenever we use the word "circulation",—and I use that word in my motion,—we always mean that it will be circulated among the public and not restricted to circulation among the High Courts and Government officials, because they are part of the Government machinery with which we are not concerned. Government always get the opinions of the officials, but what we are concerned with now is whether the opinion of the public was obtained on this particular question.

An Honourable Member: Are not the Bar Associations public bodies?

Dr. Ziauddin Ahmad: They do not represent the real public who will be affected by this Bill.

Kunwar Hajee Ismail Ali Khan (Meerut Division: Muhammadan Rural): Are we not the representatives of the public here?

Dr. Ziauddin Ahmad: My Honourable friend says he is a representative of the public. He is probably unaware of the feelings in his own constituency, and I will read a passage from a resolution passed by an Association in his constituency at Muzaffarnagar. It says:

"This meeting of the Muhammadans in the district of Muzaffarnagar expresses its great condemnation of the Foreign Relations Bill which is going to be moved by the Government."

An Honourable Member: How is it an interference with religion?

Dr. Ziauddin Ahmad: There is another Resolution passed by an Association at Sitapur which says:

"This meeting of the Muhammadans of Sitapur considers that the Foreign Relations Bill is really an interference in their religion and records its strong protest."

I received similar protests from various Associations and one is from Ambala town and others from various other places. In each of these it is stated that a copy was sent to the Foreign Secretary. I should like to know whether the Foreign Office had received copies of these resolutions, and if so, whether they were placed before the Committee.

Sir Evelyn Howell: We received copies of numerous resolutions which were, as my Honourable friend has endeavoured to inform the House, in the nature of protests against the Bill on the ground that it interfered in religious matters. I submit that that criticism is entirely unjust. The Bill in no form ever had anything to say about religious matters at all.

Khan Bahadur H. M. Wilayatullah (Central Provinces: Muhammadan): Is religious controversy excluded under the Bill?

Sir Evelyn Howell: I said so in my earlier speech in this House.

Dr. Ziauddin Ahmad: The first thing that I would like to emphasise is that when the promise was given to us on the floor of the House that the Bill would be circulated, we clearly understood that it would be circulated among the public and the opinions received from the public would

be considered by the Select Committee. That promise was not carried out

Sir Lancelot Graham (Secretary, Legislative Department): It was carried out to the letter.

Dr. Ziauddin Ahmad: I said it was not circulated among the public. . .

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadan Rural): Does the Honourable Member mean that it ought to have been sent to every one of the 350 millions of Indians?

Sir Lancelot Graham: It was circulated precisely in the same way in which Bills ordered by this House to be circulated are circulated. Precisely the same procedure was followed, except that it was sent out by the executive department concerned, instead of by the Legislative Assembly Department.

Kunwar Hajee Ismail Ali Khan: May I know from the Honourable Member why he did not raise this objection when the Bill was referred to Select Committee?

Dr. Ziauddin Ahmad: I opposed it then, I oppose it now and I will oppose it in future. Whenever a Bill has to be circulated, I understand that it is published in the Government Gazette; the opinions of the public should be invited and the opinions received should be laid before the Committee and should be considered by them

Sir Lancelot Graham: That is exactly what was done here.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): I think the Honourable Member should proceed with his observations. Explanation has been given that the procedure followed in the matter of circulation was identical with what is done on the vote of the Assembly. If the Honourable Member wishes to challenge that explanation, he is entitled to do so, but if he does not challenge that statement, he should proceed on the basis that the circulation did take place in the usual manner.

Dr. Ziauddin Ahmad: Sir, I understand that all the opinions received from the public were laid before the Select Committee and were considered by them. There is no indication in the report that this was carried out, but still I take their word that all these opinions were considered by the members of the Committee.

Sir Lancelot Graham: We cannot give a promise that all the members of the Committee read all the opinions.

Dr. Ziauddin Ahmad: That is a different matter; but if it was circulated among them, my object is fulfilled; but if it is only shown in a bundle to them, I do not think the terms of the circulation were carried out.

Sir Evelyn Howell: They had ample opportunity to study the whole matter.

Dr. Ziauddin Ahmad: Then that is all right.

Mr. President: Order, order: the Honourable Member should proceed.

Dr. Ziauddin Ahmad: I come now to the subject matter of the Bill itself. In the first place the word "adjoining", as it is defined here, is not very clear to me. I should like to know whether in this sense France is adjoining England. Will it be called adjoining or will it not be called adjoining, as there is a sea between the two countries? That point is not very clear to me. If that is the case, if the intervention of the sea between the two countries will not preclude them from adjoining. . . .

Sir Evelyn Howell: I said clearly adjoining the land frontiers of India.

Dr. Ziauddin Ahmad: Then this will practically exclude all those countries which are separated by sea. The second thing is that India itself is not defined. I should like to know for instance whether Aden forms part of India. . . .

Sir Lancelot Graham: India is defined in the General Clauses Act.

Dr. Ziauddin Ahmad: Does Aden form part of India?

An Honourable Member: It forms part. . . .

Sir Lancelot Graham: The Honourable Member knows perfectly well that Aden forms part of India under the General Clauses Act.

Dr. Ziauddin Ahmad: So I understand that all the countries adjoining Aden will come under the clauses of this Bill. . . .

Sir Evelyn Howell: The Honourable Member can draw his own conclusions.

Dr. Ziauddin Ahmad: Another thing which is not very clear to me is this, whether a place like Pondicherry or Goa, which is really adjoining the land frontier of India, will be included here. . . .

Sir Evelyn Howell: No, Sir; it will not.

Dr. Ziauddin Ahmad: He says that it is not adjoining the land frontier of India; this is really an interpretation. . . .

Sir Evelyn Howell: I should like it to be understood that I am not a legal expert; I am advised that Pondicherry for the purposes of this Bill is excluded as also other possessions of foreign powers which are commonly described as being in India.

Dr. Ziauddin Ahmad: This is the explanation which is given by the Foreign Secretary, that the countries like Pondicherry, Goa, etc., are excluded from the border of India; but we know that the statement of the Foreign Secretary is not enough. This thing ought to form part of the Bill. Therefore this particular thing, that is, whether foreign possessions in India are foreign powers adjoining the land frontier of India or not. . . .

(Mr. N. N. Anklesaria interrupted.)

Mr. President: Let the Honourable Member go on with his observations.

Dr. Ziauddin Ahmad: Leaving that question aside, I shall take up one or two particular cases. Suppose a foreign Ruler adjoining India acted against the interests of the Muslim religion, demolished shrines or really did an act which was against the canons of Islamic law, and supposing there is criticism of that action, will it or will it not come under this Bill? The Foreign Secretary may say it will not, but his mere statement will not be enough; it must be definitely stated that this thing will not come under this particular clause. This is really a point on which Muslims are particularly interested. There may be action taken by the King of Persia or even by any other king against the Islamic law or against Islamic shrines; and if there is criticism of his action, then will it come under this Bill or not? I understand that, according to the Bill now before us, a person who makes a criticism of that kind can be prosecuted under clause 2 of this Bill and sent to rigorous imprisonment for two years; and unless there is a clause definitely excluding any criticism on matters of religion on the action taken by the King or his Ministers or any other person against the Islamic canons, from this Bill, I am afraid the mere statement of the Foreign Secretary will not satisfy the Mussalmans, as we all know very well that statements of Members during the debate on a Bill are not sufficient guarantee for not giving effect to sections of the Bill.

The Foreign Secretary said in his first speech at Simla, and repeated it today, that his fundamental object is to bring the Indian to the level of civilised countries. I do not see much force in this, because, after all, it is a very unimportant point; there are many things in which we are behind the British law; and in this particular case if we remain behind the English law, I do not think any serious harm is going to be done, as we all know that this particular law has been very rarely applied, and I believe that the last case which occurred was about 200 years ago. Therefore it is not necessary for us to copy a law which is practically obsolete in England itself. The real object which is at the back of the mind of the Foreign Secretary is really to provide some kind of consolation to the present Ruler of Afghanistan. . . .

Sir Evelyn Howell: I would be obliged if the Honourable Member will not mention foreign countries by name.

Dr. Ziauddin Ahmad: Thank you, I shall not mention any particular country, Sir. Now, in reply to one question we were told that there have been only six cases under the Ordinances which were really the predecessor of this particular Bill. Two of these articles were written by the *Zemindar*, and I had a talk with the editor of the *Zemindar*, and I can stand surety, Sir, that he will not write any article on this particular topic. So, if this is the only thing which could save us the odium of this particular Bill, then I stand here and give security for this particular. . . .

Sir Evelyn Howell: May I interrupt the Honourable Member for a moment? I submit, Sir, if my assurances are not going to be accepted by this House, there is no reason why the assurances given by the Honourable Member should be accepted by this House. (Laughter.)

Dr. Ziauddin Ahmad: Sir, this is really a matter in which the decision of the High Court has been given. They have said that the speeches delivered in this House could not really alter the meaning of the law, but the assurances I am giving. . . .

Mr. S. C. Mitra: There may be a change of editor tomorrow.

Dr. Ziauddin Ahmad: The assurances I am giving are assurances from one individual to another individual. My friend just said that there might be a change of editors, and if such a thing happens, and if really an article is written on this topic, then action can certainly be taken against him; but I assure him that there is no desire on the part of any one in India to interfere with the internal affairs of any State. The choice of a Ruler and the settlement of internal affairs are matters for the people of the States concerned and they should decide for themselves, and we are not concerned with those things, and I may assure my Honourable friend that the people in India take absolutely no interest whatsoever in the internal affairs of any of these adjoining States.

No doubt, the Bill has been very much modified and a good deal of its poisonous effect has been removed, but the fact remains that a Bill of this kind is uncalled for at this stage. It unnecessarily creates excitement among the people without sufficient justification; it is quite unnecessary to bring in a Bill of this kind at this juncture when people are sleeping and are not taking any interest in these matters. By trying to enact a law of this kind you will create a feeling in the public mind that the Government have got some sinister motives behind it and they want to gag the mouths of the people and the Press beforehand. If feelings of this kind exist in the country, I can quite understand your taking action to meet the situation, but when there is no excitement, when there is no emergency of any kind, if you take action of the kind you now propose, then you create an impression in the public mind that you have an ulterior motive behind you. I do not know what the foreign policy of the adjoining districts is likely to be tomorrow, and this Bill is only to prevent something which Government have in their mind. But as I said it is quite wrong, it is quite undesirable, it is quite unjustifiable to create such an impression in the public mind, particularly at this time when we have got so many other things to look to. Therefore, I would ask the Government Bench, and particularly the Foreign Secretary, who really has got the interests not only of the adjoining territories but also of India at heart, to consider what impression his action would produce in the public mind if this legislation is enacted at this time. I would therefore request him once more that he should circulate the Bill to elicit public opinion and this measure should not be pushed through in this session, as it will create unnecessary apprehension in the public mind. One definite complaint was brought to my notice last night, and it was perhaps also the subject matter of a resolution passed in one of the big conferences in Lahore, and it is this, that this measure if passed into law will seriously affect the religious liberty of the Mussalmans of India and especially of the Shia Community. They say if any action is taken by any Minister, Ruler or any member of the family of the Ruler against any of the tenets of Islam and there is *bona fide* and genuine criticism against such action, there will be trouble. Therefore, Sir, on the ground that this measure is quite unjustifiable, uncalled for and unnecessary, I once more appeal to my Honourable friend to accept the circulation of the Bill for eliciting public opinion.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, I support this amendment, and I submit that there are very strong reasons why consideration of this Bill should not be proceeded with now. Sir, we have noticed a tendency on the part of the Government to bring before the House very important measures at the fag end of the

session, with the result that with the official block at their command and a few non-official Members who generally support them, they are able to carry through any measure, however opposed to public opinion in the country. Sir, this Bill creates a new offence unknown to the Penal Code, and creation of a new offence is a serious matter indeed. A new offence ought not to be created unless the matter has been fully canvassed by public opinion. Sir, it has been said that the Bill had been circulated to certain bodies, High Courts and Bar Associations and others, and the opinions received from these bodies were placed before the Select Committee. I do not dispute that, but there is this cardinal fact to be borne in mind, that this Bill, as it has emerged from the Select Committee, is a different Bill altogether. It is not the same Bill. The scope of the former Bill was that if any person by his writing or speech does anything likely to prejudice foreign relations, then he would be liable to certain penalties. That is something on the lines of what is called sedition in this country,—something which prejudices relations between the Government of the country and some foreign Government. Further, be it noted, in the original Bill the wording was “foreign Government” and not “Government of States adjoining India”. There is the Honourable the Law Member,—I am glad to find him in his seat today,—and he will confirm me that an offence of defamation is altogether different from what was intended to be covered by the original Bill. Defamation is a personal wrong against certain individuals, be they Rulers or Ministers or private individuals. Now, by this Bill a man will be punished if a defamatory charge is made, if a defamation is published by him against a Ruler or a Minister or a member of the family of a Ruler, and if it is likely to prejudice our relations with that State. Is not that a wholly different measure from the original Bill that was circulated for public opinion, at least to some sections of the public or to some associations? But this is a different measure altogether. They had not before them any public body such as the High Court had before it a Bill limited in scope to defamation. We contended, and strongly contended, at that time that you must limit the scope of your Bill to the cases of defamation as in the English law,—the antiquated, obsolete English law. We said that if they wanted to have a Bill at all of this character, they must limit it to cases of defamation as is the case in the English law. Government saw that it was not possible for them, or that it was not advisable to carry through the original measure. Therefore, they have dropped it. They have initiated a new measure of a different character having accepted the suggestion of the Select Committee. Then what follows? Is it not the rule, is it not the procedure of the House, that when a Select Committee alters a Bill in such a way as to make it a different Bill altogether, then it must be re-circulated for public opinion? If that is so, then I say that there is a very good case now for re-circulation of this Bill, because it is a Bill with a different scope, with a different objective, and it creates a different offence. The creation of a new offence, as I have said, is a serious matter. This Bill proposes what the wisdom of Lord Macaulay and others who framed the Penal Code deliberately omitted to enact—I take it they deliberately omitted it because this old antiquated law of defamation against foreign Princes was in existence in those days, and they refrained from enacting any such law here. Why? Did not foreign States, or rather foreign States contiguous to India exist at that time? The Penal Code is comprehensive, it is so wide, and it is so well drafted, that it has received encomiums from almost all parts of the world, the juristic part of the world, and I say therefore that the framers of the Indian Penal Code

[Sir Abdur Rahim.]

deliberately refrained from enacting any such law as is now proposed to be put on the Statute-book. That being so, I say it is a serious concern of the public that an offence like this should be created now, without the public being given full opportunity to consider the position and express its opinion thereon.

Now, what is the scope of this Bill? This is another fetter on the liberty of the Press. Can there be any doubt about it? It comes to this, the Press of this country is not to discuss foreign relations, a most vital matter for the country. Discussing foreign relations is a most important duty of the Press. It is a duty which is fully recognised by the civilised Governments throughout the world. The provisions of the Bill are so wide that the Political Department can obtain a conviction on almost anything, because under the system of Government which now prevails here the Political Department is a reserved subject. They will claim, and claim rightly too, that they are the only people who know anything about the foreign relations of India with other countries. If they say, if they give evidence,—as it is proposed to do—that foreign relations will be prejudiced, who is to say no to that? The result will be that they will be the sole judge of whether a writing in the Press is defamatory, or rather, if defamatory, whether it is likely to prejudice foreign relations. And look at the scope of it,—likely to prejudice foreign relations! You could not use language wider than that. You may call it a law, but it lacks the very elementary requisite of law,—that is, definiteness. The court must find it very difficult to give effect to language of that kind. The result must naturally be that if the Secretary of the Foreign Department gives evidence before the Court, that in their opinion—because it is a matter of opinion—the foreign relations are likely to be prejudiced, there is an end of the matter. I say the Court will find it impossible to go behind that opinion. I am absolutely sure, my Honourable friend Sir Evelyn Howell knows fully well that that will be the result of a proceeding in Court at the instance of the Foreign Department. I take it that evidence will be given according to the ordinary procedure and the requirements of the Evidence Act. Once that evidence is given, whether the defamation charged is likely to prejudice foreign relations—that will depend entirely upon the evidence of the Foreign Department. The Court will be helpless, will be entirely at the mercy of the official witness.

Look at another provision of the Bill. Any member of the family of a Ruler—has any attempt been made to define that? So far as I remember, the General Clauses Act does not attempt to define any such thing. I do not know of any Act which defines the member of a family, especially of a Ruler, an Oriental Ruler. I think Sir Evelyn Howell will find it very difficult to define the members of the families of certain rulers adjoining India. (Laughter.) A pitfall of this character should not be allowed to creep into any statute passed by this Assembly. My Honourable friend Dr. Ziauddin Ahmad has pointed out other difficulties too. My Honourable friend Sir Evelyn Howell has assured the House that Arabia, Iraq and all those places would be excluded, but there is another legal difficulty which arises in this connection. If Aden is part of India, then Arabia is contiguous to India.

Sir Evelyn Howell: Not the whole of Arabia, Sir.

Sir Abdur Rahim: Part of independent Arabia would be included.

Sir Evelyn Howell: The Hejaz would not, I submit.

Sir Abdur Rahim: It may be possible to try some such distinction, and I know my Honourable friend Sir Evelyn Howell is acute enough to draw such distinctions, but it will be very difficult for a court of law to define what is or what is not included within the definition given in the Bill. There is the case also of places like Pondicherry, Goa, Chandernagore. It will, therefore, not only be very difficult to say with respect to anything which is written in the Press or uttered from the platform and which may be considered by any of the representatives of foreign powers or their Ministers as defamatory—whether or not foreign relations are endangered or prejudiced thereby, and that there are the other questions which will raise further difficulties. I do not want to deal with all those questions at present. My main point is that this Bill as it has emerged from the Select Committee creates a new offence. I do not say that the Select Committee was not well advised in narrowing down the Bill to cases of defamation as in the old English law. That may be so. It is in fact what we demanded, but Government having dropped their original idea and having accepted the view of the Select Committee of this House to bring in a Bill with a much narrower scope and of a different character altogether, it now becomes necessary to re-circulate the Bill for public opinion according to the ordinary procedure of Select Committees. The Committee itself ought to have reported that the Bill is so altered as to require re-circulation. I do not know if any stronger case could be made out for re-circulation. It may be said that the first Bill was of a wider scope, but my point is that although the present Bill is of a narrower scope, it creates a different offence. It is a different measure, and therefore it ought to be re-circulated. There is one other point. I do not know if Dr. Ziauddin intended to raise it, but from the way he dealt with this question it suggested itself to the House that this Bill particularly affected the Mussalmans, but that is not so. On the other hand it might very well be argued that some of the adjoining States being Mussalman States, it affects the non-Muslim inhabitants of the country more than the Mussalmans. At any rate that is not the point. The whole point now is whether the Bill ought not to be re-circulated as it creates a different offence to the one in the original Bill. The Honourable Member in charge of the Bill has alluded to the fact that in other countries some provision or other of this nature exists. It is perfectly true, but we have got to see whether there is really a good case for re-enacting them here. The conditions of India are very different from the conditions in Brazil and places like that. We know in European countries, whether the law is there or not, criticism of foreign policy is a matter of every day occurrence and is a most vital part of a nation's interest and are we going to stifle such criticisms in this country? As a matter of fact in England, as the Honourable the Law Member will admit, the law in this respect has been obsolete. It is more than 100 years, I believe, since there was a prosecution. I pointed this out in my last speech. I did listen very carefully to what Sir Evelyn Howell had to say on this point on the previous occasion, and I must say that neither I nor most Members on this side of the House were convinced of the necessity for such a measure. Anyway even if there be a necessity, I think we must consult

[Sir Abdur Rahim.]

public opinion on the Bill as it has been reported on by the Select Committee, and that is the question now before the House. I do hope that Government will consider this point seriously, and I am sure that Members on this side of the House will consider it necessary and vital that a measure of this importance should receive in its present form that judgment of public opinion which its importance deserves.

Diwan Bahadur Harbilas Sarda (Ajmer Merwara: General): I rise just to say a word in support of the amendment proposed by Dr. Ziauddin. The question before us is nothing more than that the Bill should be re-circulated instead of being taken into consideration on the ground that the Select Committee appointed to consider it has materially altered it. If there has been a material alteration in the Bill, and this, I think, has been fully proved by my Honourable friend Sir Abdur Rahim, it is not only proper but incumbent that the Bill should be circulated to elicit public opinion. From an offence of the nature of sedition to an offence of the nature of defamation and libel, one has to travel very far in fact from one place to another. They are two different and two distinct kinds of offences. One is entirely personal. The other is with regard to the State. The object of the Bill evidently is that nothing should be done to prejudice relations between the Government of India and another State. That being so, if we find that the offence which was made punishable by the original Bill has been changed, it is very necessary that the matter should go again before public opinion, and Government should know what public opinion in the matter is. As it is, I think the scope of the Bill, by including Ministers and members of the family of Rulers of adjoining States, has been made very wide. It is very difficult to define or determine for the purposes of the Bill who the members of the family of a particular Ruler are. As, however, I do not want to go into the merits of the thing, I support the amendment on the ground that as there has been a material change in the Bill it should be re-circulated for eliciting public opinion.

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam: Non-Muhammadan Rural): Sir, the Bill has been very much modified by the Select Committee, but notwithstanding that fact, the Bill is neither fish, nor flesh nor good red herring. If my objection had been only to the language and the terms in which the provisions are drafted, I could have moved amendments and taken my chance. As it is, the Bill has been materially altered, as pointed out by the leader of our group, and a good case has been made out for sending it out for eliciting public opinion. Sir, both when he introduced this Bill as well as on the present occasion, the Foreign Secretary stated that this Bill was intended to bring the law into line with the English law on the subject, and further he said that this Bill purports to embody the principles and practice of the English law. Both the propositions are incorrect and can be disputed. This Bill as it stands is neither justified by doctrines of international law, nor is it in accordance with the practice of civilized nations. The object underlying the Bill appears to be based on a political necessity rather than on a legal necessity. Sir, the Foreign Secretary's statement that, "It is a recognized principle of international law that the States, in their relations with other States, are responsible for acts committed by persons within

"jurisdiction" is incorrect in theory and at variance with international law and practice. The modern theory and practice of international law subject has been recently summarized as follows by an able writer:

"An individual may violate international law and thereby occasion injury to States or its nationals, but his acts need not necessarily be attributed to the State which he is found nor engage the responsibility of the State. The State is not responsible for the act of an individual as such. It cannot be regarded as an absolute guarantor of the proper conduct of all persons within its bounds. Before its responsibility can be engaged, it is necessary to show that it has violated an international duty recognized by the customary and positive law of nations in a clear and definite form."

These duties are summarised as follows:

- (1) The individual may do harm either to a foreign State itself or to an alien. In the former case a public claim is constituted, i.e., a claim by the foreign State in its own behalf. This includes attacks and insults directed against the head of that State or its flag.
- (2) Protection to diplomatic agents. Failure would entail reparation.
- (3) Injurious acts from individuals within its jurisdiction, such as raids on their territories.
- (4) Libel on Sovereigns or violation of their ambassadors' privileges punishable under the criminal law of the land, for which generally exemplary punishments are meted out.

It will thus be seen that the responsibilities of the States in respect of activities of individuals are not as wide as they are now sought to be made out. They are restricted (1) by considerations that a State is not responsible for the activities of individuals as such but only for its failure to fulfil certain international duties imposed upon it by the law of nations. (2) These duties do not include the prevention of any and every act of individuals that a foreign State may consider injurious to its interests as the elaborate explanation of the Foreign Secretary would have it but only the prevention and bringing to justice of actual acts of injury done to a foreign power by individuals by the commission of injurious acts recognized as international injuries by international law. These acts are:

- (1) Aggression on the territory of a foreign State.
- (2) Injury to property and life of its nationals.
- (3) Libel on its head.

With regard to the question of State regulations and domestic laws as are said to be obtaining in every modern State, I would like to take the case of Great Britain first. In Great Britain there is no specific law on the subject, except the Foreign Enlistments Act, to enforce international obligations. But the Foreign Enlistments Act applies principally to the case of war and acts of aggression and is primarily directed against mercenary soldiers. In peace, the liberty of the Press and opinion is restricted only by the English law of libels. This gives protection not only to British subjects against one another but to heads of States and ambassadors. This is all the law in England on this subject. To say that this Bill is intended to bring the law into line with the English law is palpably inaccurate and absurd. This is nothing but an encroachment of the executive in this country. For instance, even with the wording of clause 2 amended, as now, it can have only one effect, the suppression of all expressions of opinion on the foreign policy of the British Empire in India, so far as regards those States in particular to which this Bill is sought.

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[31st MAR.]

[Mr. B. Sitaramaraju.]

to be now applied, excepting those expressions of opinion as may be admitted by the Government of India. There is no proper judicial measure. Moreover, once a complaint is lodged, justifiably or unjustifiably, absolutely no criterion left to the Judge whether a person is guilty of. The question whether a particular statement is likely to promote unfriendly relations between His Majesty's Government and the Government of a foreign State is a question of fact. It must necessarily vary according to the circumstances of the case. A statement which may promote unfriendly relations with one State may not do so with another. Whether it will do so in a particular case will depend upon an infinite variety of circumstances including the domestic political situation of a foreign State of which the Judge can take no cognizance at all. This difficulty was pointed out in one of the opinions gathered on this Bill from the Judges of our High Courts. The measure will thus have the effect of subordinating the domestic government of one country to the necessities of the domestic situation in another. Such a law, so far from being in conformity with international law, is absolutely at variance with the fundamental principle of a full national sovereignty. (Hear, hear.)

The Foreign Secretary has further stated, Sir, that it is intended to bring this law into conformity with the practice and procedure obtaining in England on this subject. In this connection I would like to read a few cases from which it will be seen that whatever may have been the law in England in ages gone by, so far as the present period is concerned, England has no such law as is now intended to be introduced here. Here is an important case:

"The German navy, which was one of the main factors of the growing hostility between Great Britain and Germany towards the beginning of the present century, was the subject of much pointed attention on the part of the British Press. In 1904 a British paper suggested that the British navy should fall upon the German fleet before it had grown too strong and destroy it just as it had destroyed the Danish fleet in 1807. Sir Frank Lascelles, the British Ambassador, had a talk on this subject with Prince von Bulow, the Imperial Chancellor, and reported to the Foreign Office on December 28, 1904:

".....the constant attacks in the English Press, which had met with no official disapproval, and the new scheme for the reorganization of the Navy had given rise to the belief, which had become very prevalent in Germany, that England had the intention of attacking her....."

Count Metternich's statement had given great satisfaction to the Emperor, who had become suspicious in consequence of his attention having been drawn to a recent article in the *Army and Navy Gazette* and a suggestion in *Vanity Fair* that England should treat the German fleet in 1904 as she treated the Danish fleet in 1807. (sic.) I said that the two papers he mentioned were without any practical importance and I thought it a pity that the Emperor should have paid any attention to them. About same time the British Ambassador in Berlin had a long discussion with Herr von Holstein of the German Foreign Office about the tone of the British Press, and he wrote to Lord Lansdowne on December 30, 1904: This subject again came up for discussion between the two Governments about six months later. While giving an account of a conversation he had had with the Imperial Chancellor, Sir Frank Lascelles wrote to Lord Lansdowne on June 12, 1905:

"He (von Bulow) regretted that this state of things should exist and that the English Press should continue the hostility against Germany. I was aware of the sensitiveness of the Emperor to English opinion, and hardly a day passed without His Majesty's sending him (Bulow) a sheaf of English papers to read."

Lord Lansdowne also wrote to Sir Frank Lascelles on the subject. He stated:

"So far as I was able to follow the argument of these personages, the strained relations which were believed to exist between Great Britain and Germany were due, in the first place, to the attitude of the English Press, and in the second....."

With regard to the attitude of the Press, His Excellency (Count Metternich, the German Ambassador in London) who knew this country so well, must I thought be well aware that His Majesty's Government was in no way answerable for the language of our newspapers."

At the time of the Basanian Crisis of 1908, the British Press generally took up a very strong anti-Austrian attitude. This led to very strong diplomatic representations on the part of the Austro-Hungarian Government to the British Government. On November 5, 1908, we find Sir W. E. Goschen writing to Sir Edward Grey,—"His Majesty's Government regret as much as any one that the newspaper Press, should at times be utilized as the vehicle for international recriminations. But even if they had the power to interfere—which it is of course will known they have not. . . ."

Here it is specifically admitted, Sir, that they have no power to control the Press. There is also another case. It is the case on which the Marquess of Salisbury expressed the opinion that the Press is not under control:

"In March, 1900, extremely provocative articles were published in *The Times* regarding Germany. Sir F. Lascelles, the British Ambassador in Berlin, sent the following telegram to the Marquess of Salisbury on this subject on March 16."

To this telegram, complaining about the conduct of the British Press, Lord Salisbury sent the following reply:

"I approve of your language to the Emperor which if necessary you can repeat from me. The incidents referred to are most unfortunate but the vagaries of the newspapers are entirely beyond my control."

Then, Sir, you will find a number of other instances where even British Ministers and Statesmen have repeatedly stated that, whatever may be the English law on the subject years ago, at the present moment, or even at the time of 1900, there was no such law in existence which could control the Press. In this connection, I would like to draw the attention of the House to one particular opinion expressed by one of the most brilliant I.C.S. men of the province of Madras, Mr. Galletti. This is what he says:

"The Bill gives power not only to the Government of India but even a local Government to prosecute for anything likely to promote unfriendly relations between His Majesty's Government that, is His Majesty's Government in England, and the Government of any State in the world; and power to any magistrate to award punishment."

"2. In practice both under the present constitution and the federal constitution it will be the Viceroy who will decide on prosecution, and conviction will follow as a matter of course. It is a power I would not entrust to any one man except on one condition, that in the particular circumstances he will be subject to the control of public opinion."

I find from the report of the Select Committee that no distinction has been made between the expressions of opinion in religious matters and political matters. Be that as it may, I would like to read this passage in the very language which this European civilian has used:

"No Viceroy will dare to prosecute for expressions of opinion, however strong, that a neighbouring State is not governed in accordance with the principles of the Koran or that one pretender to the throne is a better Muhammadan than another. I would confine the Bill, like section 125 I. P. C. to Asiatic States."

That of course is done to a certain extent. However, jurisdiction should be given only to Session Courts. Mr. Galletti states:

"I would give jurisdiction only to Sessions Courts sitting with jurors."

That is a point which was not accepted by the Select Committee and I find that there is an amendment standing in the name of Mr. Maswood Ahmad to that effect. Mr. Galletti further says:

"I would not have a separate Act. I would add a section to the Indian Penal Code after section 125, which would be merely a logical corollary to that section."

[Mr. B. Sitaramaraju.]

There is also another opinion, as has been pointed out by Sir Abdur Rahim, which would have this treated in the same way as defamation is treated. Further on Mr. Galletti says:

"The objection to the Bill in its present form is obvious to any man of liberal mind. Everyone has his preferences and his prejudices. Queen Victoria resented attacks on her fellow potentates and had the will but not the power to prosecute any one who attacked them. The parallel with England would only hold if the Sovereign in England exercised that power as the Viceroy would have whether under the present or the future constitution. The power is exercised by the Government in England and the Government in England is under control. Napoleon III demanded the punishment of Englishmen who libelled him, but public opinion prevented the Government giving his satisfaction. A Government that intercepted Mazzini's letters was promptly brought to hell in parliament and in press. Mr. Gladstone was never in danger of prosecution for calling the Government of Naples the negation of God or for campaigns against Turkish atrocities. Even in the war no one was in danger of prosecution for attacking Signor Giolitti or President Wilson or King Constantine though these attacks fell under the mischief of the Press Bill. Libels on President Kruger were allowed although they led to the Boer war. King Leopold of Belgium was freely libelled for alleged atrocities in the Congo Free State. Attacks on the Soviet and Fascist Governments and on the personal character of Stalin, and Mussolini are made daily in England. France allows a virulent and vulgar anti-Fascist paper full of scurrilous attacks on Mussolini, to be printed in Paris. The opinion in England and France will not permit the Government to prosecute. The objection giving power to the Viceroy to prosecute is that public opinion here is not strong enough to check the Viceroy. A further objection is that it is unnecessary to defend non-Asiatic Governments."

Sir, these are the opinions expressed by a European Civilian serving in the Presidency of Madras. I would also like to give the words of another European Civilian, who is the District Magistrate of Kurnool. With reference to the remarks made by the Honourable the Mover of this motion he states as follows:

"If the Foreign and Political Department wants legislation it should not camouflage it. The Honourable Mover's speech was so elaborately camouflaged as to be almost irrelevant in parts."

Sir, from my own province several opinions have been received which are against this Bill. I would also quote the opinion of the Chief Presidency Magistrate of Madras. This is what he says:—

"I find it somewhat difficult to support the measure that has been proposed. In a country like India having a population of 72 million Muhammadans in close neighbourhood of Muhammadan States the prevention of all criticism of the acts of the neighbouring rulers—in matters affecting their co-religionists is liable to be considerably resented. The Bill makes no distinction of the criticism of these rulers in matters of religion as distinguished from temporal affairs. It is so wide that it includes both; and both the criticism and the consequential resentment is likely to be much greater in these matters than in purely temporal affairs. I am not aware of any law anywhere in the world which in the slightest degree prevents the members of a particular sect from criticising the conduct of heads of states in reference to their conduct in matters of religion. This is very different from preventing libels against rulers of Foreign States, because an attack on the character of a ruler may now be necessary for criticising his conduct with reference to his religion. Knowing how zealously Muhammadans in any part of the world watch the interests of their co-religionists abroad, and that India has perhaps the largest Muhammadan population, I think the Bill is particularly unsuitable to the conditions in this country."

Sir, the opinions that I have read out so far are entirely against this Bill, but I am sure it will be said that the Assembly has already accepted the principle of the Bill. Sir, we have never accepted the principle of the Bill. We have been fighting from the beginning, and we even went into the lobby against it. However that be as the very wording of clause 2,

even as amended, shows, it is a Bill which cannot be accepted. The Bill as it has emerged from the Select Committee is altogether different from the previous one, and it is absolutely necessary that we must have the opinion of the country on it before we proceed with it. It was stated by a writer of great reputation that the Foreign Relations Bill was justified neither by doctrines of international law nor by the practice of civilised nations. Its springs, he said, are in fact not legal but political, and it is

I P. M. rendered imperative by circumstances peculiar to India. British foreign policy, so far as it concerns India, has of necessity to recognise the fact that there is a potential threat to the unity of the Empire in the nationalist aspirations of India. Its efforts therefore to a partial extent at any rate are directed to counterbalancing those aspirations, or at least towards seeing that no foreign influence complicates the internal situation. It is therefore a measure directed against the whole country and against all classes so much so that it cannot afford to have freedom of opinion about the foreign relations of the country. It is not correct to state that it is a Muslim affair. It is an Indian affair, and as such I lodge my emphatic protest and support the motion for circulation.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I am sorry that the discussion, of course inevitably, has been widened in its scope instead of being confined purely to the amendment of my Honourable friend Dr. Ziauddin Ahmad. At the present stage, I deliberately propose to abstain from offering any remarks on the Foreign Relations Bill or its consideration, and would like to concentrate my own argument on the question of circulation. My opinion on this question is exactly the same as my opinion was during the last Simla Session when a friend of mine and a respected Member of my party brought forward the motion that the Press Bill be re-circulated for opinion. I opposed the re-circulation on principle. In that particular case, I was a Member of the Select Committee, and as a Member of the Select Committee, I felt obliged, even though the Bill was shaped beyond recognition by the Select Committee, to support where the Select Committee supported the Bill and to get it changed on the floor of the House where the minority in the Select Committee differed from that Bill. That is exactly the position that I propose to adopt in regard to this measure, though I am in a better position in this case because I have not been a Member of the Select Committee. Sir, the argument that the Honourable the Leader of the Independent Party addressed to this House was chiefly this. He said that when a Bill emerged from the Select Committee changed beyond recognition, then the Bill should be re-circulated for opinion because it is a new Bill. I beg to differ from him. If a Bill emerges from the Select Committee in an aggravated form with objectionable features increased, it becomes necessary to circulate the Bill for public opinion. But if a Bill emerges from the Select Committee in an improved form—and I believe the Honourable the Leader of the Independent Party has not stated that the Bill has emerged in an aggravated form with increased objectionable features

Sir Abdur Rahim: I said it was a different Bill, a different measure.

Mr. C. S. Ranga Iyer: He said it was not the same Bill. As I said in Simla in regard to the Press Bill, even though one of my friends belonging to my party contended at the time that the Bill was very different

[Mr. C. S. Ranga Iyer.]

from what it was when it went to the Select Committee, I held at the time that it was a Bill which had come in an improved form even though some of its principles had been vitally shaken and some of the clauses had been wholly changed. I said as it had come in an improved form, it was for us to discuss it on the floor of the House and reject it if we did not think it acceptable to us, or amend it in whatever form it should be amended. I am at present not uttering one word on the merits of the Bill because I think there will be ample opportunity during the progress of the Bill, if Dr. Ziauddin Ahmad's amendment does not prove acceptable to this House, to express my opinion on that matter. At present, as amply illustrated by quotations made by the Whip of the Independent Party, there has been a good deal of opinion against the Bill which was circulated and this is more or less the same Bill. I do not for a moment think the object of the Bill is different. I do not believe that the principle of the Bill has been altered; the purpose of the Bill continues to be the same, only it has been improved, but perhaps that is a matter which will have to be discussed at a later stage. It has been improved perhaps in certain aspects, and on that matter I should like to hear Members of my party who have served on the Select Committee, and I believe they have yet to speak on that, but until they have spoken I would leave the question open. My party has not made this a party question. My party has left the doors open. So far as the question of re-circulation is concerned, in the light of certain observations made by Mr. Raju, who quoted abundantly the opinion expressed in the country when it was first circulated for opinion, I conclude that re-circulation is only a superfluity to which I am unwilling to commit my party. At the same time, I may say that when the Bill comes up for discussion on the floor of the House, Members of my party will be free to discuss the matter exactly as they choose.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): The objection which was taken to this Bill at the Simla Session was mostly one objection, that it affected religious performances of Muslims, and it debarred the Muslims from making fair criticism of the actions of those Rulers where the Muslims, on account of their religious performances, have to go. That was the objection strongly taken by my Honourable friend, Sir Abdur Rahim, that he did not like the Bill to be sent to the Select Committee, and when the House voted in favour of the Bill being referred to the Select Committee on the assurance given by the Leader of the House that, before it went to the Select Committee, it would be circulated for public opinion by executive order, when this was done and the Bill referred to the Select Committee, the Honourable the Leader of the Independent Party not only himself refused to serve on the Committee but stopped every Member of his party from serving on the Committee. The result was that every one dropped out.

Sir Abdur Rahim: That was not so.

Mr. Muhammad Yamin Khan: One by one every one whose name was proposed for the Select Committee withdrew his name.

Khan Bahadur H. M. Wilayatullah: Because I was opposed to the principle of the Bill.

Mr. Muhammad Yamin Khan: Once the House having voted for referring the Bill to Select Committee, they refused to serve on the Committee and thus deprived the Select Committee greatly of the benefit which the Committee could have derived from the wise counsels which are tendered to-day.

Sir Abdur Rahim: What about the Honourable Member himself?

Mr. Muhammad Yamin Khan: After saying that one is not willing to serve on the Select Committee, it is not fair for one to come and criticise the particular actions taken by the Select Committee. One objection had been taken that public opinion had not been consulted and if opinions had been received they had not been properly considered by the Select Committee. But I beg to differ from this. There were two kinds of opinions received, one was opinion which was real opinion, and those people pointed out the difficulties in the Bill and made certain suggestions as to how to improve the Bill. There were other kinds of opinions which were not opinions at all. Those opinions were that the Bill affected the religious freedom and therefore the Bill should not be enacted. With all humility, I beg to differ from those opinions and also differ from those Honourable Members who call this opinion. I think this could not be the opinion because these people did not study the Bill at all, and this kind of opinion, which neither suggests any remedy, nor points out any difficulty, could be hardly called any opinion. And due weight was given to all those opinions which fell under the first category.

Now, Sir, the chief point which was made by my Honourable and learned friend the Leader of the Independent Party and certain other Muslim Members and also supported by some Governments, especially the U. P. Government, was that an unnecessary legislation, which might create a kind of agitation by affecting certain rights of Muslims, should not be undertaken. That being the case, due regard was paid to this question. It was considered that the principal countries in which Muslims were concerned on account of their religious performances were Arabia, Mesopotamia and Palestine. And it was decided by the Select Committee that these places should be excluded from the scope of the Bill because no criticism of a fair kind should be allowed to come within the scope of the Bill where they are really and vitally concerned. So the Select Committee chose to limit the scope of the Bill, although it was not really warranted. But it was thought that the Government's object could be gained if the scope was narrowed down, and with this narrowing down, the objection which was taken by the Muslims was absolutely taken away. It has been narrowed down to the States which border on India, or are contiguous to the shores of India, and no religious objection can be taken now to the present Bill as it has come out. This Bill affects Hindus, Christians, Sikhs, etc., as much as it affects Mussalmans, and due consideration was given to the fact that no interference with religious performances should be permitted in this Bill.

Another objection is that the Bill, as it has come out of the Select Committee, is totally different from the original Bill. I quite agree in that. The first Bill said that any statement which tended to create unfriendly relations was punishable. It was found by the Select Committee that the scope of the Bill was very wide and they said that a statement which was in the nature of defamation of a Prince would be punishable—defamation as defined in the Indian Penal Code. The Prince or Ruler defamed cannot

[Mr. Muhammad Yamin Khan.]

appear in the courts of British India and in order to give him protection it was laid down that the Governor General in Council should be authorised to lodge a complaint before the court and prove that it was a libellous statement. In addition to that, they have also to prove a second fact, that it also creates unfriendly relations. So in order to have a conviction, these two things will have to be proved by the Governor General in Council.

So the scope has been narrowed down and it has emerged from the Committee in a much better form. The Committee considered whether the court should be the judge as regards the likelihood of unfriendly relations being created, or whether it should be left to the Governor General in Council, and the majority of the Committee came to the conclusion that the court should be the judge and this should form part of the Bill. So with these two things, it is very difficult for the Governor General in Council to launch a prosecution unless they are absolutely sure that they can secure a conviction. They will probably in many cases choose not to prosecute owing to the difficulty of proving that there will be unfriendly relations, because it will have to be proved in court by some officer of Government who will have to disclose the correspondence and evidence in their possession. Sir, I think the Bill goes far beyond the limits that would be required for giving real protection to Rulers of neighbouring States.

One point which struck me during the debate and which was pointed out by my Honourable friend, Dr. Ziauddin Ahmad, escaped the notice and attention of the Select Committee, and I feel sorry that he did not sit on that Committee; if he had been there and if he had pointed it out, the Committee would have been wiser. It was about Aden. Of course if India includes Aden for the purposes of this Bill, then it touches certain States; but the intention of the Select Committee was never to include them in the scope of the Bill. But I feel doubtful whether the word "India" will include Aden, because it is British India which includes Aden, and the word used is not British India, but only India, and therefore I thought that when my Honourable friend was talking about Pondicherry and Goa and other settlements of foreign powers in India, whether they are bordering on India or not, I thought that the word used was not British India, and that anything which stands outside India will be considered to be outside India, as India stands on the map, and not India which may be called British India, which is a totally different thing. Geographical India includes Pondicherry and Chandernagore and Goa, and other places also. But if my friends think that the scope of the Bill, as it stands today, includes those states, which was not the intention of the Select Committee, of course an easy amendment can be made in the shape of an explanation added to clause 2, by which we can say that for the purposes of this Bill, Aden will not be considered as part of India. Then no prosecution will be launched in respect of defamation as far as those territories which are bordering the small colony of Aden in Arabia are concerned. I would not like that, for this little thing, this Bill should be re-circulated again for obtaining the kind of opinions that have been read out by the Honourable gentleman. I do not think any case has been made out for re-circulation.

Another point which has been touched by my Honourable friend Sir Abdur Rahim is this, that the framers of the Indian Penal Code have

deliberately abstained from putting down this offence in the Indian Penal Code. I beg to differ from this; they did not deliberately abstain from putting this down. Political circumstances in 1861 were not the same as the political circumstances are today. India did not stand in the same need in 1861 as she stands today . . .

An Honourable Member: Are we in a worse position?

Mr. Muhammad Yamin Khan: The political circumstances have changed. The Amir of Afghanistan was not then considered an independent ruler in those days; but he is an independent ruler to-day. The position of other contiguous states is absolutely changed. The circumstances are changing, and for this purpose, every day as the necessity arises, the law has to be changed. The law can never be the same, and it will have to be changed as the circumstances change, and we find today that certain conditions and certain statements appear in the Press, which make it obligatory that protection should be given to our neighbours so that the relations between India and those States may remain solid, and may not be jeopardised by the man who writes in the Press simply for his own sake. I think that the Bill should be considered now and there is no necessity for re-circulation.

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes to Three of the Clock, Mr. President in the Chair.

Maulvi Sayyid Murtuza Sahib Bahadur (South Madras : Muhammadan): Mr. President, I support the amendment moved by my Honourable friend, Dr. Ziauddin Ahmad. So far as the legal aspect of the Bill is concerned, it has been fully dealt with by the Honourable the Leader of my Party and also by my Honourable friend, Mr. Sitaramaraju. As a layman, I will try to convince the House of the necessity of circulating this Bill for eliciting public opinion. The contention of the Government is that it has been circulated, but circulation by means of an executive order is no circulation at all according to our view. It will be circulated to Local Governments, to High Courts and to Bar Associations, but there are so many important associations run by the public and they are of all-India reputation, and this Bill has not been circulated to them. So far as I know, Sir, the All-India Muslim League has not been consulted on this important question, nor has the Muslim Conference been consulted. The All-India Khilafat Committee, the Jamiatul-Ulema-i-Hind, Delhi, Jamiatul-Ulema of Cawnpore, have been totally ignored, the Anjuman-i-Islam of Lahore has not been consulted; in fact not even a single public association has been consulted; nor have the Government consulted any Hindu, Sikh, Christian or Parsi Association on this important matter. So, Sir, the Mover of this amendment was cautious enough in using the word "circulating" this Bill and not "re-circulating" as has been put down by my Honourable friend, Mr. Maswood Ahmad.

[Maulvi Sayyid Murtuza Sahib Bahadur.]

We do not recognise this circulation by virtue of an executive order. The whip of our party, as has been pointed out, is not in favour of that kind of circulation of a Bill of this important character. My friend Mr. Yamin Khan, who is absent now, laid strong stress on the point that we did not signify our willingness to serve on the Select Committee when our names were proposed, and in that connection he went to the length of saying that the leader of our party prevailed upon us not to serve on the Select Committee, which is not at all a fact. We have got our own independent view; we can use our discretion as to on what committees we should serve and with what committees we should not be associated. The House is fully alive to the fact that all members of our party were opposed to the very principle of the Bill, and therefore we were not willing to serve on the Select Committee. This point has been made much of by my Honourable friend Mr. Yamin Khan, who said that inasmuch as we have not served on the Select Committee, there is no justification to criticise the Government now. In his enthusiasm to support this Bill, he has ignored even the opinion of some Muslim Associations who have sent a copy of the Resolution passed by them to the Muslim Members here. The House may be aware of the fact, and particularly my friend the Foreign Secretary, that Shias as a whole have raised a hue and cry against this Bill. Lucknow, which happens to be their centre, held many a meeting and they have passed Resolutions, copies of which have been forwarded to Government and also to the Press. Such being the case, it is quite necessary that this Bill should be circulated for eliciting public opinion. As regards the Bill as a whole, Sir, there is some erroneous impression in the minds of some of my non-Muslim friends that this measure will affect Muslims and Muslims alone and so some non-Muslims may keep themselves aloof from this. (An Honourable Member: "Who says so?") I know there are some Members who think like that.

Mr. S. C. Mitra: Yes, there are some Members who think like that, I know.

Maulvi Sayyid Murtuza Sahib Bahadur: Here is my Honourable friend to support me. But the question is this, Sir. The liberty of the Press has already been curtailed, and this Bill is surely calculated to curtail its liberty to the highest possible degree. There is no sense or justification in saying that Government will avail themselves of reasonable opportunities, and that they will not sanction prosecution unwarrantedly and unreasonably. What may seem reasonable to the Government may be quite unreasonable to us. After all, we know, Sir, how the Governor General in Council acts in matters like this. I do not mean any disrespect to the Members of the Executive Council,—the Governor General in Council have to rely on the opinion of the Foreign Secretary, on one solitary individual, so far as matters like these are concerned. The Governor General in Council don't generally say "No" to what he says. So, Sir, there is great danger in undertaking legislation of this character. So far as my constituency is concerned, I consulted many gentlemen of eminence in my province, and they are all against this. If my friend Mr. Yamin and Members of his way of thinking are of opinion that the modifications that have been made now have to a great extent met the objections of the community, then they are entirely mistaken. I would

therefore strongly urge that this Bill should be circulated for eliciting public opinion in its true sense, which is very very important in matters of this kind.

As for the Deputy Leader of the Nationalist Party, I am glad that he gave vent only to his personal opinion. I was afraid that he would even go to the extent of committing his own party against this motion, but he has not done so. He has found it impossible for him to agree with my Honourable friend and Leader Sir Abdur Rahim in one important fact. Sir Abdur Rahim has proved to the hilt that by legislation of this kind a new offence will be created which will not be either in the interests of the Government or the governed. Sir, I hold, that all Indian communities will be affected by legislation of this nature. So, I hope that my Honourable friend Mr. Ranga Iyer who, though a Northern Indian now, is a Madrassi . . . (An Honourable Member: "Is that a fault?") No, Sir. On the other hand, I feel proud of him.

Mr. C. S. Ranga Iyer: I am unwilling to interrupt my Honourable friend, but what I stated was this. I was saying that my Party had left it as an open question. And there are Members in my Party who are both for and against. As for the merits of the question, that is a larger issue; I did not go into it.

Maulvi Sayyid Murtuza Sahib Bahadur: So, I express my joy over that expression that without committing his party in favour of or against the motion, he gave his personal view, and I now request him to change his personal view also, because it has been proved by so eminent a lawyer as the Leader of our Party that legislation of this kind is quite uncalled for and unnecessary, especially as it creates a new offence which is sure to prove detrimental not only to the interests of the Government but also to those of all other communities alike.

Mr. N. N. Anklesaria: The Honourable the Mover of this amendment brought forward a similar motion when the Bill was before the House in the last Simla Session, and the grounds which he urged in support of that motion were as flimsy and as untenable as those which he has urged to-day.

Sir, the law of England punishes defamatory statements against foreigners outside the dominions of the King only when such defamatory statements endanger or tend to endanger peaceful relations between the Government of His Majesty and the foreign country concerned. That is what is called the law of seditious libel in England, and the two essential ingredients of that offence are that the statement must be defamatory and that the defamatory statement should tend to bring about unfriendly relations. As the Bill which was brought forward at the last Simla Session stood, it lacked the ingredient of the statement being defamatory, and so far as I could understand, the principal desire of the eminent speakers who spoke on the other side was that the law sought to be propounded in the Bill should be made conformable to the English law by adding that ingredient of defamatory statement in the law. As it is in accordance with the wishes of the Opposition that the Select Committee has added that ingredient and has made the law conformable to the English law, one would have thought that the Opposition would have agreed to pass

[Mr. N. N. Anklesaria.]

the Bill as recommended by the Select Committee. But as some of my Honourable friends on the other side said the other day, the business of the Opposition is to oppose, and they have been following that maxim to-day

Dr. Ziauddin Ahmad: Not to oppose everything.

Mr. N. N. Anklesaria: The Honourable the Mover of the amendment in support of his motion for re-circulation relied on the arguments advanced by the Honourable the Leader of the Independent Party at Simla. The main ground which Sir Abdur Rahim urged at Simla was that the English law, as found in Stephen's Digest, provided for fair criticism and the Bill as then brought forward did not make any such provision. Whatever justification there might have been for the complaint as regards the Bill brought forward in the last Simla Session, that complaint has absolutely no justification as regards the Bill which is before the House to-day. The law of defamation having been embodied in the present Bill, all the ten exceptions mentioned in section 499 are open to an accused person. (An Honourable Member: "How?") An Honourable Member asks how. Section 499 does provide, he will admit, ten exceptions to the definition of the offence of defamation as defined there, and clause 2 of the Bill, by embodying the law of defamation in the present Bill, also embodies all those ten exceptions, and in order to show how far they guard the rights and privileges of newspaper writers and other writers, I propose to read a paragraph or two from Ratanlal on Crimes. At page 1185 the book says:

"Every writer has a right to comment on those acts of public men which concern him as a subject of the realm, if he does not make his commentary a cloak for malice and slander. A writer in a public paper has the same right as any other person, and it is his privilege, if indeed it is not his duty, to comment on the acts of public men which concern not himself only but which concern the public, and the discussion of which is for the public good. And where a person makes the public conduct of a public man the subject of comment and it is for the public good, he is not liable to an action if the comments are made honestly, and he honestly believes the facts to be as he states them, and there is no wilful misrepresentation of fact or any misstatement which he must have known to be a misstatement if he had exercised ordinary care."

Then again:

"A newspaper has a public duty to ventilate abuses and if an official fails in his duty, a newspaper, is absolutely within its rights in publishing facts derogatory to such official and making fair comment on them, but it must get hold of provable facts. The editor, however, should be most watchful not to publish defamatory attacks upon individuals unless he first takes reasonable pains to ascertain that there are strong and cogent grounds for believing the information which is sent to him to be true—that proof is readily available and that in the particular circumstances his duty to the public requires him to make the facts known."

Sir, similar comments are found on the other exceptions in the Penal Code. Then it was urged by the Honourable the Mover that the Bill was not circulated among the people most concerned. I quite agree that the Bill was not sent round to the 350 millions of the population of India, but it was sent to people most competent to give their opinions on it and the very fact that my Honourable friend the Mover has cited before the House protests from several associations shows that there is absolutely no justification for his complaints on this score.

Then my Honourable friend said that the Bill is likely to affect the religious susceptibilities of the Mussalman section of the Indian population. This was the very ground which was urged in Simla and the Select Committee has taken care to see that no such ground exists in the present Bill by eliminating all countries from the purview of this Bill in which Mussalman shrines are situated and comments as regards which country may affect the religious susceptibilities of Muhammadans.

Sir, my Honourable friend on the other side said that the Bill is so very much altered that it should be re-circulated. As the Honourable the Leader of the Nationalist Party pointed out, what reason can there be for circulation of a measure which has been altered in the sense of improvement in the direction of popular wishes. Sir, so far as I am concerned, I see no sense absolutely in such a demand. I can quite understand it if the Bill had been made more reactionary and oppressive but looking at the Bill as it has emerged from the Select Committee, I see no ground for complaint on this particular head also, more especially as the Select Committee themselves say in their report that the Bill has not been so altered as to require re-publication and that the Bill be passed as now amended. On that Select Committee was the Leader of the Nationalist Party, who spoke at very great length against the Bill in this

House at the Simla Session. My Honourable friend Dr. Ziauddin relied on arguments of his learned leader, Sir Abdur Rahim, in support of his proposition that the Bill should be circulated. I have read the arguments put forward by Sir Abdur Rahim at the Simla Session, and I find that as regards the most important argument advanced by him, namely, the argument based on the English law, Sir Abdur Rahim's remarks are a tissue of unmitigated inaccuracy. Those remarks are found on page 950 of the debates.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): He is not in his seat to answer you.

Mr. N. N. Anklesaria: I am sorry he is not here. He ought to be here. His lieutenants are here. He says:

"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."

As I said, this statement is a tissue of unmitigated inaccuracy. The law is not obsolete in England. The last prosecution as shown by Antonelle's case was as recently as 1905.

Mr. B. Sitaramaraju: The Honourable gentleman has not told us what is the English law?

Mr. N. N. Anklesaria: I have already stated what the law of England is. The English law is that a defamatory statement about a person outside the King's dominions is not punishable by the law of England unless and until that defamatory statement also tends to prejudice peaceful relations of His Majesty's Government with the foreign country concerned.

Mr. B. Sitaramaraju: What is the inaccuracy you are talking about?

Mr. N. N. Anklesaria: The inaccuracy is that the law is obsolete and the last prosecution was not in 1803 but in 1905.

Dr. Ziauddin Ahmad: Give some details.

Mr. S. C. Mitra: The examples quoted are a quarter of a century old at least.

Mr. N. N. Anklesaria: Then, Sir, the Honourable the Leader of the Independent Party, when speaking about the statement of law made on the floor of this House by the Honourable the then Law Member, Sir C. P. Ramaswami Ayyar, said that the law of seditious libel was not as propounded by the Honourable the Law Member, even though the Honourable the Law Member had actually cited the very words of Bishop's "Criminal Law" and said that the American law was exactly similar to the English law,—and it may be noted, the present legislation seeks, as explained in the Statement of Objects and Reasons and the Report of the Select Committee, to embody the principles of the English law. I submit, therefore, Sir, that, in citing the authority of the Leader of the Independent Party, my Honourable friend Dr. Ziauddin Ahmad has not much advanced his case for circulation. With these words, I submit that this motion should be rejected.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhamadan): Sir, as a member of the Select Committee, I should like to say just a few words on this motion. I am free to confess that when the Bill was first introduced into this House it had many objectionable features; and those Honourable Members who thought it fit to oppose the Bill at that stage were in my opinion perfectly justified in doing so. But the House by a majority accepted the principle of the Bill and referred it to a Select Committee. The Select Committee, as will be seen, has improved this Bill to a very great extent; and I note that my Honourable friend Dr. Ziauddin Ahmad also has admitted in the course of his speech that the most objectionable features of the Bill have been removed by the Select Committee, or at least very greatly modified. Sir, the Bill when it was originally introduced was very wide and comprehensive. It embraced within its scope all foreign countries, but the Select Committee has restricted it to only those countries which were outside India but adjoining India. (Mr. B. Sitaramaraju: "You call that an improvement?") It was done on the ground that statements which may be published in this country would not be likely to have any serious effect on those countries which are very far from India. For instance, a statement which might appear in the Indian Press attacking the Head of the Brazilian Government, or any other Government very far from India, is not likely to lead to any serious complications or to endanger or prejudicially affect the relations between India and that far off foreign territory.

An Honourable Member: What about the State of Arabia?

Mr. Gaya Prasad Singh: It was in that view of the matter that this Bill was restricted in its scope. Now if this modification, which was made by the Select Committee, is open to any objection, it is quite up to Honourable Members to discuss it on the floor of this House; and if a

suitable amendment is tabled on that particular point, Honourable Members may either accept or reject that amendment on the merits as they like. This in itself is not a ground for re-circulating the Bill.

Then another improvement effected by the Select Committee is that the responsibility of adjudicating whether a writing is of such a nature as to prejudice the friendly relations between this Government and the foreign State concerned is cast by the Select Committee on the court. The provision of the Bill as originally introduced was that the Governor General or the Government was the sole judge in deciding whether a particular writing was likely to be prejudicial to the maintenance of friendly relations, but the Select Committee has made an improvement and thrown the responsibility of deciding that particular question upon the court concerned. I find, Sir, in his minute of dissent my Honourable friend Sir Evelyn Howell and my Honourable friend Sir Lancelot Graham have pointed out this difference and disagreed with the improvement. With regard to the motion for re-circulation, I have to point out that the Members of the Select Committee unanimously held that the Bill had not been so altered as to require re-publication, not to speak of re-circulation. There were both Hindu and Muhammadan Members on the Select Committee, but not a single member has recommended re-circulation. With regard to the provisions of the Bill, I may state that there is a distinct improvement with regard to clause 2, which after all is the main and operative portion of the Bill. The Bill as originally introduced embraced within its scope all writings which were likely to promote unfriendly relations between His Majesty's Government and the Government of any foreign State. But the Bill as it has emerged out of the Select Committee is restricted in its scope, and is limited only to offences of defamation "with intent to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State, or whereby the maintenance of such relations is likely to be prejudiced". I am not speaking about the merits of the Bill. If the Select Committee have made mistakes, let us all discuss the Bill on the floor of the House; and if I have made any mistake in putting my signature on the Select Committee's report, it should be quite open to me to revise my views if I am convinced; but no case has been made out for re-circulation. This Bill was circulated for the purpose of eliciting opinion in the country in the same way as other Bills in the past have been circulated. Those opinions so far as they are reflected in the papers before the House were before the Select Committee also; and I think they are available to all Members of this House. The motion for re-circulation is a dilatory motion. I am not giving at this stage my opinion on other provisions of the Bill. I shall be free to express my opinion if necessary one way or the other, on the merits of the amendments that may be moved. But so far as the question of the re-circulation of the Bill is concerned, I am unwilling to agree to it.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): Sir, the Bill is a very useful one, and I think that in some quarters its real object has not been properly understood. It is based on a very common sense and daily-life practice, as every one of us wishes to be very friendly with his neighbours. So, it is the duty of the Government of India to be very friendly with their neighbours. Just as it is the bounden duty of the Government to maintain peace, law and order within India, so it is the bounden duty of the Government of India to have very friendly relations with the adjoining Rulers who are also very friendly with us. The object

[Major Nawab Ahmad Nawaz Khan.]

of the Bill is not to interfere with the religion of any community because the policy of non-interference in religious matters by the British Government is too well known, nor it is the object of the Bill to deprive the Press of its liberty because if the Press is abusing its liberty, we have for that purpose other laws and other regulations. I myself complained about some of the articles published in the newspapers in Northern India last year when I was in London. At that time we were surprised that the Government were not taking proper action against those articles which were malicious and were written simply as propaganda work by one party living in a foreign but adjoining State, and bribing the newspapers in British India and using those articles as party politics against our very friendly Rulers. We were feeling that it was the duty of the Government that when the other Rulers were so friendly with us, we ought to have regard for their respect, especially when we knew very well that those articles and accusations were not in the interests of any religion either in the other countries or in India. That propaganda was going on simply by the force of money. Is it not the duty of the Legislature and of the Government to keep very friendly relations with our neighbouring States? If it is our bounden duty to keep peace and to have every regard for various communities and for the freedom and liberty of individuals in India, is it not also our duty to pay our full attention to the friendly relations with the neighbouring States who are very friendly with us and who give us all possible help and in whose countries there is no propaganda against us? The object of the Bill is only this, so far as I can understand it. If the Bill had been properly understood, I do not think there would have been the least objection in any quarter of the House (Mr. S. C. Mitra: "And yet there is objection to it from every quarter of the House".) The Muslim institutions or Anjumans, which have objected to the Bill have misunderstood the aim and object of it. They thought, according to their different religious opinions, that perhaps in some far off places, beyond Aden and other places, the Bill was going to be affected and would have some interference with their religion. But the Honourable Sir Evelyn Howell has explained the Bill so clearly that there is no scope for the interference with different religious ideas of the Shias and the Sunnis or of any other religion. It is purely for the purpose of keeping under our thumbs that malicious propaganda which is sometimes started by those parties who wish to create some trouble in the neighbouring States and who are sheltered and harboured here with the aid of money. Articles are written simply to create ill feelings between the two neighbouring countries. Sir, the mischief-makers in India are trying their best to bribe the vernacular Press mostly to create such troubles. (Mr. B. Das: "What are those newspapers? Will you kindly mention their names?") Some people who are living in the North-West Frontier Province would very much like to create trouble there. If once trouble is created there, those who live in the Frontier can understand what calamities and troubles they will lead to if there are no friendly relations with the neighbouring State. I must take this opportunity, Sir, of thanking the other side of the Frontier for their very just, neutral and friendly attitude; otherwise even if they had the slightest idea of creating the slightest trouble, it would have cost us, as I said the other day in my speech in this House, thousands and thousands of lives and millions and millions of pounds. It is most important on the part of the Government of India to keep very friendly relations with

the neighbouring States for the good of India itself and also for the good of her people. Many of us do not realise the situation and the position in which the Government of India are placed. If for a moment we place ourselves in the position of the Foreign Office and of the Government of India, we will soon realise that our first duty is to have a full regard for the safety of India by maintaining the friendly relations with the neighbouring States.

The second duty would be to have a full regard for the internal safety and for the internal management of the country. Sir, it is very easy for a man to manage his house according to his position or power, but it is not so very easy for him to manage the affairs with his neighbours. People, as a rule, have more regard for their neighbours than for those who live actually with them. The aim and object of the Bill is only this and nothing else. Its aim is not to interfere with the religion of any community or with the freedom and liberty of the Press, or to stop and muzzle those people who are very fond of writing articles and discussing foreign and political affairs. I think that if we all look into the real aim and object of the Bill, there will be no objection to it in its original form as it was moved by the Honourable Sir Evelyn Howell.

As for the technical side of the question whether it should be according to the English common law or whether that law is obsolete or dead, all these things are irrelevant in my opinion to the aim and object of the Bill. I will leave it to the Honourable lawyers to struggle and fight and show their ability on those points. So far as the real object of the Bill is concerned I as one coming from the N. W. F. P. should like to have a plain talk and go straight to the point. Sir, the Bill is very useful and necessary and all those Honourable Members who generally wish that the relations of the Government of India should be friendly with their neighbours both in and out of India should give their support to the Bill.

Mr. Lalchand Navalrai: I feel fortunate that I have to speak on this Bill at this early stage. I was one of the Members of the Select Committee and therefore there is a justification for me to place the facts and the law before this House in order that they may come to a fair judgment on the Bill as well as on this dilatory proposition. To begin with, I may say in one word that this Bill aims at protection to the foreign rulers and the scope of such rulers has now been restricted to which I will refer shortly. The Bill gives protection to foreign rulers against any scurrilous statements that are made against them in India. Such statements will be an offence under this Bill if the intention is to create unfriendly relations between the British Government and the ruler of the foreign State. That being the object, I submit when this question came before the Select Committee, several objections were raised and some of those objections were actually such that the Select Committee accepted them. But still there are some other objections which the House has yet to decide upon. I may say at this stage that I am one of the dissenting Members of the Select Committee so far as certain objections are concerned.

Now it will be clear to the House that the original Bill which was presented to the House and which went to the Select Committee provided in clause 2 that if any one "makes, publishes or circulates any statement, rumour or report with intent to promote, etc.", then it would be an offence.

[Mr. Lalchand Navalrai.]

This was a very wide scope and it was considered by the Members of the Select Committee that it should be curtailed, as otherwise it was too wide to include any sort of flimsy statement or report or even unfounded rumour for which a man could be put to trouble. Therefore this was conceded by the Select Committee, especially in virtue of certain remarks that were expressed by the Government of the United Provinces at page 26 of the report of opinions which say:

"There is a general feeling among Muslims that the definition of the offence given in clause 2 of the Bill is too wide in its scope. Fears have been expressed that as this clause stands at present it might be held to be an offence under this Bill to criticise matters affecting Islam such as the administration of the places in the Hejaz in which Indian Muslims have a vital interest. The Local Government considers that it is impolitic to cause genuine apprehension to any large section in India by passing a measure intended to avoid the susceptibilities of neighbours who as a rule are very far from being equally scrupulous in regard to attacks on the British Government."

Sir, in view of this opinion and several other opinions which were considered by the Select Committee, it was decided that so far as the first portion of clause 2 was concerned, it should be changed. Then it was changed in this manner. The Bill which has issued out of the Select Committee reads thus:

"Whoever commits any offence punishable under Chapter XXF of the Indian Penal Code against a Ruler of a State outside but adjoining India"

Now, there were two objections, one was such as I just read out to the House. The other was that this Bill would apply to any foreign State and it was not advisable that it should be passed in a way which would affect Indians' expressing their opinion with regard to every foreign State. Therefore the Bill was curtailed and the words now used are "a Ruler of a State outside but adjoining India". Now this Bill would certainly apply actually to those States which are very adjoining, not such of the States as are far away. Therefore, I do not think there is any fear on that score, especially as the Honourable the Foreign Secretary has also said that the intention is no other. I do not think there is any other view of the Treasury Benches on this point. With regard to these too wide words the Select Committee searched for some precedent and found out words which were already used in a Statute under which people are being punished. Therefore instead of these wide expressions they changed those words into such statements as come under the definition of defamation as provided in the Indian Penal Code. This Chapter XXI used in clause 2 relates to defamation. The House knows what defamation is, but in order to remove certain impressions of the House that the objections raised have not been met by the Select Committee, it becomes necessary for me to say something with regard to this offence and the definition of defamation together with the safeguards under it. Section 499 of the Indian Penal Code defines defamation as under:

"Whoever by words either spoken or intended to be read, or by signs or by visible representations, makes or publishes any imputation concerning any person intending to harm, or knowing or having reason to believe that such imputation will harm, the reputation of such person, is said, except in the cases hereinafter excepted, to defame that person."

Now, Sir, this is a definition which is applied here in India. Any man who makes an imputation of this character will come under section 499 I. P. C.

and be punished. There may be a certain fear in the minds of the Honourable Members that any fair criticism or fair comment which is made in good faith will also be covered by this and a man will be punished for it as well, but I want to remove that misunderstanding because section 499 I. P. C. is subject to certain exceptions.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): I hope the Honourable Member is not going to repeat what Mr. Anklesaria has already stated to the House. The exceptions to section 499 were read out and commented upon by Mr. Anklesaria.

Mr. Lalchand Navalrai: I am not going to repeat them. I am only referring to them to remind the House that there are safeguards provided. What I particularly want to draw attention to, without reading these exceptions, is to refer to three exceptions only showing that these three are pertinent to this question. They are exceptions Nos. 1, 3 and 9. So my humble submission is that there are safeguards which have been provided and therefore there is no fear that any fair comment or any comment which is harmless will make anybody punishable.

Then, Sir, proceeding further I find that there are certain objections which from my point of view have not been accepted by the Select Committee. With regard to those I submit that the first comes under this clause 2, and it says that an imputation against the Ruler of a State or against a member of his family or against a Minister of such Ruler shall be punishable. I object to this on the ground that 'family' and 'minister' were not included in the original Bill. The original Bill referred only to the Ruler, and we do not find that there is any precedent even in the English law and English countries where any other person but the Ruler of a State is so protected. On this point my view is that it is not necessary or proper to extend any protection with regard to any libel respecting any member of the family of the foreign Ruler. If the intention is to bring the Indian law on this subject into conformity with the English law, there is no such provision in the English law, making libel on the members of the family of foreign Sovereigns amenable under such special laws. The expression "member of his family" is very wide and elastic, and may include even a remote kinsman of the Ruler. The dictionary meaning of the word "family" is a body of servants or survivors of a house or the retinue or following of a person of estate or authority. Even the narrower meaning includes those descended really and putatively from a common progenitor. The modern meaning too would include a group comprising immediate kindred. These are my submissions with regard to this point. The word "family" is very wide, and that is one of the objections which this House has to consider.

Then, Sir, further on we find that the words are "with intent to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State". I take objection to the words "friendly relations". My humble submission is that the object of the Bill is not that there should be protection against unfriendly relations, but that there should be protection against the creation of enmity and hostility between two Rulers. Therefore so far as these words are concerned, namely, to create unfriendly relations, they will be distorted and misinterpreted. On this point my view is that from the political point

[Mr. Lalchand Navalrai.]

of view, the idea underlying the Bill is to prevent the dissemination of defamatory statements against foreign Rulers, made with intent to create enmity or hostility between the two Governments, and not only with an intent to cause unkind or unfavourable relations between them, or such as may merely tend to displease the Ruler. The word "friendly" means kind or favourable. The use of such an expression will go a great way to put too much restraint on the freedom of speech and the privilege of the Press. I submit, therefore, that the words "with intent to create enmity" may be more appropriate and this is what I am asking the House to consider.

Then, Sir, so far as the other portions of the Bill are concerned, they will also be considered at the time when amendments are moved, but I will make one remark so far as the courts are concerned. There was a difference of opinion in the Select Committee as to which courts should try these cases. Some of the Members were of the view that it must be the Sessions Court to try such an offender and that also should be considered by the House for this is a graver defamation than defamation against a particular man who can be tried in India by a First Class Magistrate or a Presidency Magistrate. But in these cases where there will be many legal points to decide, I submit that the trial must be in a Sessions Court.

Now, Sir, with regard to this amendment for re-circulation of the Bill, I submit that it is true that the opinions that were promised by the Government have been obtained. Government made only a promise that the opinions would be sought through Government agency and opinions have been got from their officers. But to be fair to the other side also, I would say that I have got those opinions in my hand and I find that excepting one or two opinions of the Bar Associations the opinions are of Government officials. I submit it will not be correct to say that many Bar Associations have given their opinion. On the contrary I find that at page 4 there is an opinion sent by the Chief Commissioner of Ajmer-Merwara of a Government pleader and not of the Bar Association. I also find elsewhere an opinion of another Government pleader—Malik Khuda Buksh, Public Prosecutor in Derajat. At the end I find on page 25 a letter from the Secretary, Bar Association, Madras, and there is also another secured by the High Court from a Government advocate. So far as this question is concerned, my view is this: it is true that opinions have been sought, but the opinions have not been sought from the public. The Government opinions are there and the opinions of certain bar associations are also there; that is all. Therefore it is for the House, after I have placed all these views before it, to decide whether it is necessary that this Bill should be re-circulated.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadan Rural): I move that the question be now put.

Shaikh Sadiq Hasan (East Central Punjab: Muhammadan): Sir, I feel it my duty to say a few words about this Bill. Unfortunately the British Government are becoming more irresponsible every day; and we find that their only aim and object is to make such laws and Ordinances as are distasteful to the people. As a matter of fact they are getting very desirous of curtailing the liberties of the people, and for this reason they always

want to put forward such Bills as are absurd and very harmful to the country. The Bill which we have got before us does not protect the potentates only; it tries to protect their families as well

Mr. S. C. Mitra: Family does not include wives according to Mr. Lal Chand's interpretation. Do you include wives?

Shaikh Sadiq Hasan: My friend, Mr. Mitra, asks, do I include their wives? It is not only a question of their wives; if they happen to be Hindus who believe in a joint family system, it may protect their collaterals to the tenth degree; and in the case of Muhammadans, if they have got more than one wife, it protects their brothers-in-law and perhaps the sons and daughters of those brothers-in-law as well. It is only possible to bring such an absurd Bill before the House because the best elements of the country are non-co-operating with the Government and they have not come into the Assembly

An Honourable Member: Are we not here in a representative capacity?

Shaikh Sadiq Hasan: Yes; the gentlemen who have signed the report on this Bill no doubt have come in their representative capacity; but if they had been fighting against those radicals, I am very sure that most of them would not have been able to come here.

An Honourable Member: Question.

Shaikh Sadiq Hasan: And if they had come, they would have such a restraining influence over them that they would not have dared to place such silly things before us. (Interruption.)

Now I want to take another point. It is said here "with intent to prejudice the maintenance of friendly relations between His Majesty's Government," etc. Now, Governments generally have not got a very high morality. Governments always judge according to their friendship with the States. If the British Government happens to be very friendly with a foreign State, they will consider any act as prejudicial to that Ruler; but if on the other hand they were unfriendly, as they were in the case of Amanullah Khan, they would allow full latitude to people to criticise him.

Mr. Muhammad Yamin Khan: The Bill says "prejudice the maintenance of friendly relations". If a man is unfriendly, there is no question of prejudicing those relations: it is only those who are friendly who are sought to be protected.

Shaikh Sadiq Hasan: I have only one more word to say and it is this: that foreign relations in the past even in England have caused great troubles. Take the case of Queen Mary: there was a civil war over there because she had a soft corner in her heart for the King of Spain. In the same way later on in the days of King James, a great man of whom the English are proud, Sir Walter Raleigh, was executed because the King of Spain wanted it to be done. Even in the time of Charles the First, civil war in England was due, I think, to some extent because he favoured the Spanish very much. What I have to say is this: this Bill is not so

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innocuous, and is not so harmless as it appears; but it may have serious consequences in time to come. It may appear at the present moment of no consequence, and we may pass it very lightly in this House, but we cannot say how it will result in the future; and I consider that in the interests of the country and in the interests of future generations of India, the Bill should be re-circulated.

Dr. R. D. Dalal (Nominated Non-Official): Sir, I move that the question be now put.

Mr. President: I accept closure: the question is that the question be now put.

The motion was adopted.

Sir Evelyn Howell: Sir, as my friend, Mr. Ranga Iyer, with his usual acuteness reminded the House, the actual issue under discussion is a narrow one. Should this Bill be circulated for further opinion or should it not? On that point he gave a clear expression of his own opinion. My friend, Mr. Yamin Khan and other speakers have touched on the same point and have shown that so far as technical and constitutional reasons go, there is no ground whatever for eliciting further opinions. We have obtained large numbers of opinions, some favourable and some unfavourable; extracts from them have been read to the House, and they show that the question has been considered by most people who are in a position to offer an opinion of any value; and those opinions had to be consulted and have been consulted by the Select Committee. Many speakers, however, have by no means confined themselves to this narrow issue, but wandered off into other aspects and topics and questions connected with the Bill, and into those fields I am afraid it will be necessary for me, though I hope not at very great length, to attempt to follow them. The first point is

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair would like to inform the Honourable Member that the discussion has proceeded on his motion as well as on the amendment for circulation, and therefore all the speeches made were perfectly relevant and in order. The Honourable Member can deal with the whole subject now.

Sir Evelyn Howell: Thank you, Sir. I never meant to imply for a moment that they were not relevant.

Mr. President: The Chair thought that the Honourable Member was speaking under a misapprehension.

Sir Evelyn Howell: I have dealt with the question of necessity for collecting further opinions. There is another and a practical side of the question. Is the Bill of a nature which we can afford to have deferred? A number of Honourable Members have said—my friend, Dr. Ziauddin amongst them—that there is no situation now, therefore why not leave things quiet and in effect why should we put the lock upon the stable door until the steed has been stolen? I submit, as I have said before, that the danger is real and practical, and we do not wish to have the mischief done

before we can take any steps to prevent it. I think that perhaps to emphasise this point I had better tell the House what happened last year. Early in March of last year a certain newspaper in Lahore,—it is no secret that it was the *Zamindar*—started a series of most malicious and defamatory attacks on the Ruler of an adjoining and friendly country, and followed them up by publishing a violent and inflammatory appeal from a dynastic rival of that Ruler, who had shortly before been driven from the throne of his country by the force of public opinion amongst his subjects. These publications produced a great deal of excitement both in this country and outside it. They could not in any way be dealt with under the ordinary law, and consequently early in April of last year the Foreign Relations Ordinance was issued. Still the stream of vituperation continued, and action consequently had to be taken under the Ordinance. During the six months for which that Ordinance was in force, from April to October of last year, six prosecutions in all were sanctioned under it. Three of these were brought against the *Zamindar* in respect of six articles published on various dates between the 18th April and the 2nd June. Two different editors were prosecuted and all three cases resulted in conviction. Each of the editors was sentenced to one year's rigorous imprisonment. In addition to these prosecutions against the *Zamindar*, three other newspapers, all published in Lahore, the *Afghanistan*, the *Kesari* and the *People*, were also prosecuted. In one case, that against the *Kesari* the editor apologised and the case was dropped. In another case, brought against the newspaper, the *People* in respect of a defamatory article about the Persian Government, conviction was followed by a sentence of imprisonment until the rising of the Court, and a fine of Rs. 200. In the third case, the editor of the *Afghanistan* was sentenced to one year's rigorous imprisonment. It will be remembered, Sir, that last year in September I stated on behalf of Government that if the publication of further articles of this nature compelled Government to take further action, there would be no hesitation in promulgating a second Ordinance. I have reason to believe that a good many Members of this House thought that perfectly reasonable, and that had that action been necessary, it would have been supported by a strong section of public opinion. Those organs of the Press, however, whose conduct had compelled the issue of the Ordinance, have, since its lapse, I admit, been quiescent, and attempts have therefore been made to argue that, because this is so, the need for the Bill has been removed. What are called in England "white glove assizes" frequently occur. But no one has so far suggested that murder and other crimes should cease to be punishable on that account. So here, no one can doubt that one of the main reasons why that campaign came to an end was the action taken by Government under the Ordinance and its expressed determination to do the same again should necessity arise. Nor can it be doubted that when the same inducements are once more forthcoming, if there is no statutory bar, the same consequences will once more ensue, and it is the absolute duty of Government and of this House to guard against that danger.

I have dealt with the points in so far as they have penetrated my intellect which were pushed at us by my friend Dr. Ziauddin Ahmad. I now come to the arguments advanced by Sir Abdur Rahim. He said that this Bill created a new offence. I submit, Sir, that that is not so. This Bill does nothing but make a slight alteration in procedure, whereby a person hitherto debarred from access to our Courts, if he is aggrieved by a defamatory article, can have the remedy which the law

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provides for all and sundry. Then, Sir, the same speaker urged us to note the differences between the Bill as it would be if it came into effect in the

form reported by the Select Committee and the English common law. I admit, Sir, that there were two points on which our Bill deviated from the English common law model, but I submit that the English common law is not a fetish to be slavishly worshipped, or copied and adopted in every respect. The English common law is a practical thing. It is the outcome of practical necessity, and we here have to do the same. If there is a slight difference between the English common law, and our law, I do not think that it matters much. The point is, is the spirit of it in accordance with that? Is it fair? That is what we have to look to. A third point which Sir Abdur Rahim made was that Aden is included in British India, and therefore if the Bill came into force, certain potentates whose domains might be supposed to adjoin the hinterland of Aden would come within the scope of this measure. I used the luncheon interval, Sir, to consult the map, and I see that, as I said in this House it is correct that the so-called Protectorate of Aden and the Hejaz do nowhere touch, and therefore, the Hejaz, as I said, remains excluded from the scope of the Bill. A Potentate known as the Imam of Sana has his territories adjoining the Aden hinterland and he would no doubt, I suppose, if what Sir Abdur Rahim said is correct, be one of those who might desire a complaint to be made and a prosecution to be launched on his behalf. But the danger is very remote.

An Honourable Member: What about Iraq?

Sir Evelyn Howell: Iraq is excluded from the scope of the Bill entirely. The other people adjoining Aden are certain obscure chiefs in a country called the Hadramaut about which no one knows very much or cares more than he knows. But if any Honourable Member thinks it necessary to table an amendment to the effect that for the purposes of this Bill India should be understood as not including Aden, I think that we could undertake to accept it.

I now come to what my friend Mr. Sitaramaraju said. He quoted at considerable length from certain papers relating to attacks in the English Press against the German Emperor in the year 1904, and in the course of his remarks he quoted a despatch from Lord Salisbury who was then Secretary of State for Foreign Affairs in England which ran—"The instances are most unfortunate". I think, Sir, that the same might have been said of the instances which Mr. Raju quoted in this House. Because as he said, some obscure writer in an English paper in the year 1904 made a perfectly preposterous suggestion that the British fleet should attack the German fleet before it grew too powerful, this offended the German Emperor and no action was taken against the writer in England, and from that moment relations between the two countries grew steadily worse, with the result that 10 years later the Great War followed. I submit, Sir, that if that writer had been muzzled from talking about a subject of which he obviously understood nothing the Great War might perhaps have been deferred.

Then, Sir, Mr. Raju also quoted from various opinions which were before the Select Committee. One of these was from a gentleman, whom he described with a great deal of eulogy, which he no doubt deserves as

a very brilliant Civilian, and he proceeded to read extracts from that gentleman's opinions. But he always stopped at every point where the gentleman expressed any opinion contrary to the view Mr. Raju was advancing. Had he gone on a little further in one of his readings he would have read as follows:—"Libels on President Kruger were allowed, although they led to the Boer War". Sir, which is the greater evil—to have an unnecessary war or to muzzle an ill-informed journalist for writing on a subject which does not concern him?—I ask the House.

"Another opinion cited by my friend was that of the Chief Presidency Magistrate in Madras. I submit, Sir, that if the opinion from which I have just been quoting and that of the Chief Presidency Magistrate of Madras are both read as a whole, it must be apparent that they were both in favour of some measure for dealing with the evil of which I have spoken so often, although like this House they thought that the Bill then before the House was too wide, and I submit that the alterations which have been introduced by the Committee go a very long way towards meeting the objections which both those gentlemen recorded in the expression of their opinions.

I now come to my Honourable friend, Maulvi Sayyid Murtuza Saheb Bahadur, who complained that no heed had been paid to the opinions expressed by various Shia associations in the United Provinces. I submit, Sir, that again is covered by the alterations made in Committee. If I am not mistaken, the representations made by those associations of Shia Muslims were on account of acts alleged to have been committed in the Hejaz. The Hejaz has been removed from the scope of the Bill and whether the Bill passes or not, it makes no differences to anybody who wishes to write about things that happen in the Hejaz.

Next came my Honourable friend Mr. Lalchand Navalrai. I must confess that I found myself in some difficulty in knowing which way he was speaking. He gave a very elaborate defence of what had been done in the Committee, and then said that he was a perfectly unprejudiced man, and quite ready to make up his mind all over again and in the opposite direction at a moment's notice. (Laughter.) However, one of the amendments tabled by him in pursuit of this amiable intention is to substitute the words "to create enmity" instead of "to prejudice the maintenance of friendly relations" in the appropriate sections of the Bill. I submit that diplomacy like other professions is entitled to its own language. We have our conventions in this House here. We talk about so and so as "my Honourable friend" although perhaps he may be personally almost unknown to us. We refer to other gentlemen as "the Honourable and gallant So and So", just as they do in the House of Commons, although we have no reason to suppose that any particular gentleman, because he has served in the Army, is more or less gallant than any other member. So, in the world of diplomacy, relations between the Powers are always friendly, until unfortunately sometimes they break down and then relations cease. As long as they are relations, they are friendly relations, and when you have certain classes of Powers to deal with, who, I must confess, are perhaps not so far advanced as some other countries, you have to look out what you are doing, because you have to take care not to offend them. They may take offence reasonably or unreasonably, but I submit that the mischief which they are in a position to cause by taking offence is so great and the evil of just being able to put a check on the unrestrained enthusiasm

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of a newspaper or two here and there so small, that it really is necessary to disregard the lesser evil for the sake of preventing the greater.

Finally, there come this question about families and Ministers and what not, and the insinuations that the Governor General in Council may at some future date sanction prosecution because somebody had said something offensive about remote descendants or distant collaterals of some foreign Ruler. Well, Sir, the Governor General in Council is aware, just as well as the rest of us, that foreign Rulers are very human beings after all and do not very much care what is said about their third or fourth cousins or probably do not set any very great store by imputations against the reputation of their minor officials. The point is that those attacks which the foreign Ruler is likely to resent may have consequences,—may even have consequences as dangerous and as deplorable as war. But whether they have those very serious consequences or not, they may have minor unpleasant consequences. The sort of thing I have in mind is this, that some illogical foreign Ruler might be attacked in the Indian Press. He might cause representations to be made and he might be told that the Governor General in Council had no means of dealing with this sort of thing and nothing could be done. "Very well," he would say to himself, "I will see about that. I will just see that any Indians who may come to my country in future do not have too comfortable a time while they are here." I submit that that is a possibility: It cannot be entirely discounted. But if the Government of India are in a position to say, "We have done all we can; we are slaves to law in this country; we cannot go outside it, but such law as we have we have put in motion," the objections which any foreign Ruler might have to any article that appeared in the Press would be to a great extent met.

Sir, I have I think dealt, so far as I can, with all the really relevant criticisms that have been advanced, and I hope that the amendment of my Honourable friend Dr. Ziauddin Ahmad for circulation will be rejected. (Applause.)

Mr. President: The question is:

"That the Bill, as reported by the Select Committee, be circulated for the purpose of eliciting opinion thereon by the 1st August, 1932."

The motion was negatived.

Mr. President: The question is:

"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, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President: The question is that clause 2 of the Bill stand part of the Bill.

Sir Evelyn Howell: I beg to move the amendment which stands in my name relating to clause 2, the operative clause of the Bill.

The House has before it the Bill, as reported by the Select Committee, and Honourable Members will have noticed

Mr. President: The Honourable Member should read his amendment.

Sir Evelyn Howell: Very well, Sir. The amendment is as follows:

"That for clause 2 the following be substituted:

"2. Where an offence falling under Chapter XXI of the Indian Penal Code is committed against a Ruler of a State outside but adjoining India, or against any member of the family or against any Minister of such Ruler, and, in the opinion of the Governor General in Council, the maintenance of friendly relations between His Majesty's Government and the Government of such State may thereby be prejudiced, the Governor General in Council may make, or authorise any person to make, a complaint in writing of such offence, and, notwithstanding anything contained in section 198 of the Code of Criminal Procedure, 1898, any Court competent in other respects to take cognizance of such offence, may take cognizance thereof on such complaint."

Sir, this amendment was foreshadowed by the minute of dissent which Sir Lancelot Graham and myself submitted. In that minute of dissent it was pointed out that whether any given statement was likely or was not likely to prejudice the maintenance of friendly relations between the Government of India and any of the neighbours of India was a very highly specialised and technical matter. The Government of India could indeed send myself or some officer of my department to give evidence in court on the subject, but that would give the defence an opportunity to make further statements and insinuations which would have a far worse effect on foreign relations than the original article which *ex hypothesi* was forming the subject of the prosecution. Moreover if the expert witness who came before the court stated that any particular article had tended to prejudice those relations, the court would practically be bound to accept his statement. If therefore the burden is to fall on the expert, on whom it should fall, why should it not be there *ab initio*? Another possibility before the court would be to attempt to summon some representative of that foreign State in this country. That again would lead to exceedingly unhappy consequences. The representatives of foreign countries are, though not by right yet in practice, as far as possible exempted from attendance in the courts, and if any such representative were summoned, he would no doubt be most reluctant to come and would very likely on arrival in court say that he—according to the technical position at the moment—being a consular representative, had no knowledge of these diplomatic matters. So the court would not get very much further. Then again if it sought for further evidence, it might require documents to be produced, and documents in such a case would almost inevitably be of such a nature as could not be produced in court or subjected to public scrutiny. The point then of this amendment is to relieve the prosecution of the double burden which the Bill as reported by the Select Committee seeks to lay upon it, and here again, although I said just now that we do not want to copy too slavishly the English common law, I do submit that this is a point in which we need not go beyond the provisions of that common law. In England all that has to be done is for the prosecution to prove a libel against the head of a foreign State, and certain other persons—but for the moment I confine myself to a libel against the head of a foreign State. If it has done that, it has discharged all that it is required to do. Here in this country why should it not only be required to do that, which is the burden that has been just laid upon the court by requiring defamation within the meaning of Chapter XXI of the Indian Penal Code to be proved, but also to go into further fields where the court can have no

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means of forming an opinion except by expert evidence, which is the same authority that has in the beginning decided whether or not a prosecution should be launched?

The House may reasonably object and say, "If this contention" (in support of which I am now arguing) "is so reasonable and so easy, why did you not urge it before the Select Committee?" To that I reply that we did our best, but the Committee decided against us. I might, Sir, in this connection, quote the famous saying of the Irish jurymen who, when asked why the jury had taken so long over such a simple case, said, "I never met in my life eleven such obstinate men". Sir, I move the amendment that stands in my name.

Mr. President: I have received notice of an amendment to this amendment by Mr. Maswood Ahmad. I see he is not present here.

Mr. Muhammad Yamin Khan: There are two clauses, one as it is in the Bill and another as proposed in the form of an amendment. Both are very nearly the same, except in one principle, and that is a very vital principle. We had discussed at great length in the Select Committee whether it should be left to the Court to judge that unfriendly relations have been created or are going to be created by certain articles which appear in the Press, or whether the sole judge should be the Governor General in Council. That was the real difference of principle. It was suggested that although the article may amount to libel on the Prince it should be a libel of this nature as to create unfriendly relations. If that is left to the Court, then necessarily some kind of evidence has to be produced before the Court and the Court cannot make up its mind unless it is proved to the satisfaction of the Court that the tendency of that article was to promote unfriendly relations, which means in other words that a certain amount of resentment might have been shown by the Prince concerned. When this question came up, the majority thought that if any private person was defamed he could go to the Court and get a conviction merely on account of proving that a particular statement is libellous, but in the case of the Prince who cannot appear himself personally before the Court, the Governor General in Council take upon themselves the responsibility of launching a prosecution, and they could not get a conviction unless they prove more than what a private individual would have to prove—that the statement is libellous and at the same time is a libel of such a nature as to create unfriendly relations between the Indian Government and the Prince concerned. When this point came up, it was really the intention of the majority of the Select Committee that protection to a Prince should not be more than what is enjoyed by an ordinary person in the country, and because he cannot appear himself personally, therefore this responsibility may be left to the Governor General in Council to protect the interests of the person who, on account of his position and status, cannot come to an Indian Court. I confess very frankly that this point came up so suddenly that we could not give very serious thought as to what it would amount to, and it was not known at that time that there was this last ingredient. As it happens, one thing that the present section refers to is, "with intent to prejudice the maintenance of friendly relations", which means, the Court has to judge whether it is going to create unfriendly relations or not.

Now what my Honourable friend, Sir Evelyn Howell, proposes is that in the opinion of the Governor General in Council if it is so, then that will determine the point. Now he takes the responsibility upon himself to be the sole judge as to whether unfriendly relations are being created or not. The real objection to the proposed section as it stands in the Select Committee's Report, as has been pointed out, is that, although the intention of the Legislature may be to keep up friendly relations, the bare fact that it has to be proved in an open Court that some kind of unfriendly relations are going to be promoted, the very nature of the evidence which will be tendered before the Court, if there were not such bad unfriendly relations already created, will tend to create unnecessarily the unfriendly relations which it has been the intention to avoid. A prosecution may be launched for the purpose that the friendly relations may continue, but when the Foreign Secretary or his subordinate comes before the Court and says that there is a tendency to create unfriendly relations, and with an unlimited number of questions put by the counsel in the cross-examination that might lead to such a result that the Foreign Secretary might be obliged to ask for the protection of the Court in disallowing those questions, but the Court might force him to answer all those questions which might be put by counsel in order to prove the justification of the charge or otherwise. That kind of question which may come before the Court, that by itself may create a tendency to ill-feeling which may be resented by the Prince concerned more than if there had been no prosecution at all. Well that is the tendency which it was thought fit to avoid, and the two Honourable gentlemen who have put in their minutes of dissent have urged that point. But unfortunately we could not see eye to eye with them at that time. But now, Sir, I must frankly admit that, after all, knowing one's own mistake, there is no mistake in having that corrected later on, and I think I must say now that a good deal of case has now been made out for their view. I agree that if it goes to the Court, it will be more harmful and more injurious than if there had been no prosecution at all. There might be cases of a very delicate nature, and the disclosure of the facts concerning them before an open Court, and with moreover the Press finding a good opportunity in that to magnify these things in their publications, might create still greater hostility between the two countries, and for this purpose and after all, there can be no other evidence except oral evidence and the written representation of the Prince concerned, and the oral evidence of the Foreign Secretary tending to show that that writing has created or tended to create unfriendly relations,—beyond that they can produce no other evidence, because the nature of the documents may be so confidential that they could not be produced before the Court. So I think when the Court has to decide or to rely mostly upon the evidence of the Foreign Secretary, it is much better to leave the matter to the judgment of the Governor General in Council than on mere oral testimony which might lead to the prejudicing of relations which we intend to keep very friendly. So I think this amendment is one to which I must after due thought accord my support, and I support it.

Dr. Ziauddin Ahmad: Sir, my Honourable friend, Sir Evelyn Howell, the Foreign Secretary, is establishing his position as a good research worker in this House. He has given one piece of research work in history. He maintained on the floor of this House that if in 1904 Lord Salisbury,

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the then Foreign Minister, had taken timely action against a certain paper, then the Great War would have been avoided.

Sir Evelyn Howell: I said, Sir, not that it *would* have been, but that it *might* have been, avoided.

Dr. Ziauddin Ahmad: Sir, I happened to be present in Germany at that time, and I followed the whole thing very clearly, and the causes of the war were quite different from what the Foreign Secretary is assuming them to be. Now he is making another research into Indian jurisprudence. We have always considered that, before any person is punished, all the evidence must be studied and examined openly in a court, with a right of appeal to the High Court. After deliberating a good deal over this question during the last four days, we now find here that in this Bill also he is taking away this power, and it is declared that the mere statement of the Governor General in Council through the agency concerned would practically be considered to be sufficient proof for the prosecution.

Mr. Muhammad Yamin Khan: No, no. Libel must be there.

Dr. Ziauddin Ahmad: But what about the proof of the libel?

Mr. Muhammad Yamin Khan: Libel must be proved.

Dr. Ziauddin Ahmad: It means that the Governor General in Council's word is the final word to indicate that this thing has created unfriendly relations? Tell me which Magistrate will go against it.

Mr. Muhammad Yamin Khan: No, no—it must be under the Indian Penal Code, Chapter XXI.

Dr. Ziauddin Ahmad: Then the statement of one of the persons appointed by the Governor General is to be considered sufficient for the purposes of law and all the procedure that is now laid down in the Criminal Procedure Code is to be set aside.

Mr. Muhammad Yamin Khan: No, no.

Dr. Ziauddin Ahmad: In practice, if not in words.

Mr. President: Will the Honourable Member please go on.

Dr. Ziauddin Ahmad: According to the recommendations of the Foreign Secretary. Sir, the point now before us was fought out in the Select Committee, and it was carried by the unanimous opinion of non-official Members that this clause should not find a place in the Bill; but the two official Members still press this question, and I am at a loss to understand why my friend, Mr. Yamin Khan, who expressed one opinion on the Committee, has now changed his mind on further consideration. (Mr. S. C. Mitra: "That is not surprising at all.") When I moved this motion for circulation I had in my mind this amendment of the Foreign Secretary and I knew that, on account of the fast end of the session and the thinness of the Opposition, any motion of the Government would be accepted by the majority, especially when we had some non-official Members amongst us who considered themselves to be more representative of the Government than representatives of their own constituencies. (Laughter.) Sir, it was pointed out that the opinions which were worth having were carefully considered. There are two kinds of opinions. There

is a legal opinion for which we want a legal phraseology in order to find out that the words do not connote more than what we intend them to imply. The second category of opinion is the opinion of the people who are affected by the law. This opinion is also equally important. The Select Committee, to my mind, did not pay sufficient attention to the opinions expressed by various Associations and by the representatives of the people who will be affected by this particular law.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member is again discussing his own amendment. The question of opinions is no longer relevant to the present issue. The present issue is whether the clause, as submitted by the Select Committee, should be amended as proposed by the Honourable Member Sir Evelyn Howell or not. The question of opinions is no longer relevant.

Dr. Ziauddin Ahmad: My argument against the present motion is that the opinions expressed by various Associations are opposed to this particular clause and that is the point which I am bringing in proof of my opposition.

Mr. President: Does the Honourable Member oppose both the clause and the amendment?

Dr. Ziauddin Ahmad: I oppose this particular clause as it stands.

Mr. President: We are discussing clause 2 with the amendment proposed by Sir Evelyn Howell. Is the Honourable Member opposing both?

Dr. Ziauddin Ahmad: I am opposing both. In the first place, my reason for opposing it is, as I pointed out last time, that in this clause the word "family" is still there. I do not want to repeat the arguments again, but there is no doubt that the word "family" is a very wide word, and in certain countries it may really cover half the people. My second objection is that the word "Minister" is also a very wide word. Any person who may be asked to carry on the work may be called a Minister. The connotation of these two words is very wide and it is very desirable that they should be narrowed down. The other point of my opposition is "adjoining India". As has been pointed out already, India includes Aden as well. And I was rather surprised by the argument of my friend Mr. Yamin Khan when he said that the connotation of India is smaller and the connotation of British India is larger. I thought that if you qualify the word, you always diminish the sphere of that particular thing. India is certainly a much wider term than British India, and unless this particular clause is modified in a manner so as to exclude Aden, I am afraid that it will be interpreted to mean Aden and the adjoining territories.

Sir, I repeat very briefly what I said before, that there is really no occasion for bringing in a clause like this. The Honourable Sir Evelyn Howell himself pointed out in his speech that since the lapse of the Ordinances no case has arisen. And if no case has occurred in the country after the lapse of the Ordinances and if nobody is taking any interest in it, may I ask if it is wise to remind the people and to tell them that a thing of this kind they could do and ought to do? It is not wise really to legislate on a measure which really has got no definite application. No doubt, it is necessary to keep friendly relations with our neighbouring countries, but is it wise if, in order to please the neighbouring countries, we displease our own people? Therefore, with these remarks I oppose this particular clause as it is amended and the original clause as it stands in the Bill.

Mr. N. N. Anklesaria: Sir, I support this amendment with the full conviction that if the motion is passed, all possible objections that can be urged against the original Bill will be met. The Honourable the last speaker seems to consider that the Indian Penal Code and the Criminal Procedure Code are one and the same thing. The amendment proposed by the Honourable the Mover is an amendment of the Criminal Procedure Code. It therefore does not and cannot create any new offence. Therefore all the ground that could have been for the objection that the proposed Bill created a new offence disappears absolutely. (Interruption by Mr. K. Ahmed.) The Criminal Procedure Code does not and cannot create any offence. My Honourable friend is a Barrister and he ought to know it.

Mr. K. Ahmed: If you had practised yourself, you too would have known it. What is section 110?

Mr. N. N. Anklesaria: Sir, the attempts of the legal experts of the Government of India to frame a measure to deal with libellous attacks on foreign potentates have been, to say the least of it, very unfortunate. The matter has been on their minds for the last more than three years, and during all that long period, we have been finding them groping in the vast realms of English, Continental and American jurisprudence. The result of all that groping has been what my friend Sir Hari Singh Gour characterised as "a mouse after the mountain has laboured." Sir, there are plenty of laws in *pari materia* in the different countries of the world and nothing could have been easier than to have copied, say, for instance, the law of France on the subject, which simply provides that attacks on foreign potentates are defamation punishable with a certain period of imprisonment and with a fine of a certain amount. We have already got the law of defamation in our Statute-book and no person in his senses could then have been able to say that a Bill which was reproducing section 499 of the Indian Penal Code should be circulated for opinion. No person in his senses would then have been able to urge that section 499 of the Indian Penal Code could possibly affect the susceptibilities of my Muslim friends, but unfortunately our own Statute-book was the very last thing which suggested itself to the minds of the legal experts of the Government of India. The discovery was made only a few days ago, on the day when the amendment No. 5 standing in the name of the Honourable Member, Sir Evelyn Howell, was given notice of.

Sir, I do not propose to go into the verbal amendments proposed in the language of clause 2 as regards certain words and phrases. But if this amendment is acceded to by the House, then I say there is absolutely no scope for any of the amendments as regards those words and phrases. As I said, no new offence would be created, only the law of defamation would have been amended on its procedural side. At present on account of section 198 of the Criminal Procedure Code no one except the aggrieved party can prosecute for defamation. The simplest thing therefore would be to remove that bar from the way of the foreign potentates, who, under the existing law, if they choose to resort to our law courts as complainants, are perfectly entitled to pursue the remedy given to them under our law in the same manner and to the same extent as the meanest subject of His Majesty in India. This amendment simply seeks to avoid that bar, and I fail to understand how any reasonable man could possibly object to it. I therefore support this amendment on these grounds.

The Assembly then adjourned till Eleven of the Clock on Friday, the 1st April, 1932.

30

LEGISLATIVE ASSEMBLY.

Friday, 1st April, 1932.

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

MEMBERS SWORN:

The Honourable Mr. Harry Graham Haig, C.S.I., C.I.E. (Home Member); and

Mr. Satyendra Nath Roy, C.I.E., M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

CLASSIFICATION OF POLITICAL PRISONERS.

1099. *Mr. C. S. Ranga Iyer: Will Government be pleased to state:

- (a) whether any correspondence has passed between the Government of India and any of the Provincial Governments on the question of classification of *ex-M. L. As.* convicted for their civil disobedience activities or imprisoned under Ordinances and, if so, whether a decision has been reached that they should be treated as "A" Class prisoners, if not, why not;
- (b) whether the Government of India have instructed Provincial Governments to give "A" class treatment to all ladies imprisoned either under Ordinances or in connection with the civil disobedience movement; if not, why not; and
- (c) whether the issuing of such instructions is under contemplation; if so, when will the instructions take effect?

The Honourable Mr. H. G. Haig: (a) There has been no correspondence on the general question between the Government of India and Local Governments. The Government of India ascertained the facts in a particular case from one Local Government.

The classification of convicted persons depends partly on the nature of the offence and partly on the mode of living as determined by social status, education and habit of life. Generally, the classification is the function of the Courts, subject to confirmation and review by the Local Government concerned. This being so, it would be inappropriate for the Government of

India to give general instructions of the nature contemplated by the Honourable Member. I have no doubt, however, that the fact that the person has been a member of the Indian Legislature or of a Legislative Council is taken into consideration with other facts by the Courts and by Local Governments.

(b) and (c). No such instructions have issued or are under contemplation, since they would be contrary to the principles which, as I have explained, govern the classification of convicted persons.

Mr. C. S. Ranga Iyer: In view of the special circumstances of the case when several ladies are taking part in the political movement, will Government be pleased to reconsider their attitude in regard to the classification of lady prisoners?

The Honourable Mr. H. G. Haig: I think, Sir, that the general principles already laid down after careful consideration some years ago by the Government of India in consultation with the Members of this Assembly are sufficient to meet the case.

Mr. C. S. Ranga Iyer: Will Government be pleased to consider the desirability of classifying political prisoners as political prisoners instead of mixing them up with ordinary prisoners?

The Honourable Mr. H. G. Haig: That, Sir, is an old question which we have been into many times and it has been explained repeatedly that it is not possible to establish a classification for political prisoners.

Mr. C. S. Ranga Iyer: Are Government aware of the disadvantage both to the political prisoners and to the ordinary prisoners in their getting mixed up together?

The Honourable Mr. H. G. Haig: That, I am afraid, is an inevitable accompaniment of the situation.

Mr. C. S. Ranga Iyer: Will Government take early steps to remove this disadvantage both to the political prisoners and to the lady prisoners, and appoint a committee to go into the question and make recommendations thereon?

The Honourable Mr. H. G. Haig: No, Sir. I am afraid Government are not prepared to do that.

Mr. B. Das: Is the Honourable Member aware that in the previous civil disobedience movement all *ex*-Members of the Assembly were put in class "A", but this year some of the *ex*-M. L. A.s have been put in class "B", particularly Mr. Dwarka Prasad Misra, an *ex*-M. L. A. from the Central Provinces?

The Honourable Mr. H. G. Haig: I think it is the case that normally Members or *ex*-Members of the Legislative Assembly would under the existing principles be put in class "A."

Mr. C. S. Ranga Iyer: Will Government be pleased to state whether the particular reference which the Honourable gentleman was pleased to make about correspondence having taken place between the Government of India and one Provincial Government relates to *ex*-M. L. A. Mr. Dwarka Prasad Misra?

The Honourable Mr. H. G. Haig: I believe that is so.

Mr. C. S. Ranga Iyer: Will Government be pleased to state whether Mr. Dwarka Prasad Misra is at present in class "A" or in class "B"?

The Honourable Mr. H. G. Haig: I understand he is in the "B" class.

Mr. C. S. Ranga Iyer: Will Government be pleased to advise the Central Provinces Government to treat him as an "A" class prisoner in view of the fact that he was a Member of the Legislative Assembly?

The Honourable Mr. H. G. Haig: The Central Provinces Government considered that, in accordance with the principles laid down, he should not be treated as an "A" class prisoner.

Mr. C. S. Ranga Iyer: Is the Honourable Member aware that last year he was treated as an "A" class prisoner?

The Honourable Mr. H. G. Haig: No, Sir.

Mr. C. S. Ranga Iyer: Will Government be pleased to inquire into the matter and ascertain facts from the Central Provinces Government?

The Honourable Mr. H. G. Haig: We have already been in correspondence with the Central Provinces Government and I see no object in pursuing the matter further.

Mr. N. M. Joshi: Have Government considered the evil effects of segregating different classes of prisoners from each other and dividing them into different classes?

The Honourable Mr. H. G. Haig: Is it the Honourable Member's suggestion that all prisoners should be grouped together and treated alike?

Mr. N. M. Joshi: I want to know whether there are no evil effects of segregating prisoners from each other.

The Honourable Mr. H. G. Haig: The present policy is one for which this House must bear equal responsibility with Government.

Mr. Lalchand Navalrai: Will the Honourable Member be pleased to state if these classifications are at present being made by the Government of India or the Provincial Governments or the Magistrates?

The Honourable Mr. H. G. Haig: I explained in answer to the original question that the classification is made by the Courts, subject to confirmation and review by the Local Governments.

Mr. Lalchand Navalrai: Are the Magistrates instructed by the Government to award any particular classes?

The Honourable Mr. H. G. Haig: The function of the Local Government is to confirm and review orders made by the Courts.

Mr. Lalchand Navalrai: My point is, do the Local Governments give any instructions to them previous to their awarding the classes?

The Honourable Mr. H. G. Haig: The general instructions are contained in orders issued by the Government of India and I do not suppose the Local Governments find any necessity to supplement those instructions.

Mr. Lalchand Navalrai: Will the Honourable Member please place those instructions of the Government of India on the table?

The Honourable Mr. H. G. Haig: I think they must have been placed on the table long ago. There was a communiqué of about February, 1930.

Mr. T. N. Ramakrishna Reddi: Will Government take action if the Courts deviate from those rules?

The Honourable Mr. H. G. Haig: I have already explained, Sir, that the Local Governments do exercise a review over the action taken by the Courts.

Mr. N. M. Joshi: Do Government realise that if M. L. A.s are given "A" class, the protection which the other prisoners are likely to receive from M. L. A.s will be reduced in this House?

The Honourable Mr. H. G. Haig: That is a matter of opinion.

Mr. B. Das: Is the Honourable Member aware that lady prisoners from Delhi have been placed in mixed jails in the Punjab and that their health is suffering because they are not allowed to move about in those jails?

The Honourable Mr. H. G. Haig: I cannot follow the question very clearly but it does not seem to me to arise out of the original question we are discussing.

Mr. C. C. Biswas: Is the Honourable the Home Member satisfied with the reception he has got this morning on the assumption of his office? (Laughter.)

SUBSTITUTION OF AIR FORCE UNITS FOR GROUND TROOPS ON THE FRONTIER.

1100. *Mr. Gaya Prasad Singh: Will Government kindly state when the Howell Report on the possibility of substitution of Air Force units for ground troops on the Frontier was signed; and why has it not yet been published? When do Government propose to publish it; and what action, if any, has been taken on it?

Mr. G. M. Young: The report was signed a year ago. As regards the other points the Honourable Member's attention is invited to the reply which I gave on the 30th March to Mr. Moore's starred question No. 1071.

Mr. Gaya Prasad Singh: May I know what action has been taken on the report of the Howell Committee? That was not answered.

Mr. G. M. Young: The report of the Howell Committee has not been published. It is not therefore possible to give in full the action taken on the report. In my answer to Mr. Moore's question, I did give a certain amount of information relating to the action taken.

Mr. Gaya Prasad Singh: Is it the contention of Government that they are unwilling to give any information as to what action has been taken by Government or is contemplated to be taken on this report?

Mr. G. M. Young: Obviously not; I did place a certain amount of information on this point before the House the day before yesterday.

Mr. Gaya Prasad Singh: What is the nature of the action which they have taken on that report?

Mr. G. M. Young: I would refer my Honourable friend to the reply I gave on that day.

Mr. Gaya Prasad Singh: Will the Honourable Member kindly repeat that answer if he has got a copy in front of him?

Mr. G. M. Young: I will let the Honourable Member have a copy. The Honourable Member himself put a number of supplementary questions, so I assumed that he had heard my answer.

NON-INTERFERENCE WITH "BUY INDIAN" PROPAGANDA.

1101. *Rao Bahadur B. L. Patil: (a) Are Government aware that the Home Member in the Madras Legislative Council said that he would address a District Magistrate and Police Superintendent and ask them not to interfere with the "Buy Indian" work?

(b) If so, are Government prepared to issue special instructions of a similar kind to all the Provincial Governments?

The Honourable Mr. H. G. Haig: (a) I have seen a Press report of a statement by the Home Member, Madras, to the effect that instructions have been issued to District officers not to place obstructions in the way of the legitimate activities of the League.

(b) No. The matter falls within the province of the Local Governments, who are fully aware of the position and are competent to take such action as may be desirable.

GRIEVANCES OF RAILWAY STAFF OF THE HOWRAH GOODS SHED.

1102. *Mr. Bhuput Singh: With reference to the reply to starred question No. 406, dated the 17th February, 1932 (regarding grievances of Railway staff of the Howrah Goods Shed), will Government be pleased to state what action, if any, has been taken by the Agent, East Indian Railway; if not, why not?

Mr. P. R. Rau: With your permission, Sir, I propose to answer questions Nos. 1102, 1103, 1104 and 1105 together. I have called for information from the Agent, East Indian Railway, and will lay a reply on the table in due course.

STAFF OF THE HOWRAH GOODS SHED COMPELLED TO GO ON LEAVE ON HALF PAY.

1103. *Mr. Bhuput Singh: (a) Are Government aware that each man of the Howrah Goods Shed (Outward) was compelled to go on leave for 15 days on half pay by rotation during the year 1931?

(b) If not, do Government propose to enquire as to who is the officer who forced the staff to go on leave on half pay and whether the officer concerned compelled the men to go on leave out of his own initiative or due to orders from the Agent; if not, why not?

†For answer to this question, see answer to question No. 1102.

**RAILWAY PASSES GRANTED TO STAFF OF THE HOWRAH GOODS SHED
COMPELLED TO GO ON LEAVE ON HALF PAY.**

†1104. ***Mr. Bhuput Sing:** (a) Will Government be pleased to state the number of second class passes issued to the staff of the Howrah Goods Shed (Outward) who were compelled to go on 15 days' leave on half pay?

(b) Will Government be pleased to state the money value of the passes issued and the economy effected by compulsory deduction of half of 15 days' pay of those men who travelled on second class passes during their compulsory leave?

ALLOWANCES OF THE STAFF OF THE HOWRAH GOODS SHED.

†1105. ***Mr. Bhuput Sing:** (a) With reference to the reply given to starred question No. 405, dated the 17th February, 1932, are Government aware that the Sunday allowance enjoyed by the staff of the Howrah Goods Shed (Outward) has been stopped?

(b) Is it a fact that Sunday allowance was sanctioned for those men in lieu of Presidency allowance granted to other staff?

(c) If so, will Government be pleased to state whether the Presidency allowance has also been withdrawn from persons enjoying it? If not, why not?

**ALLEGED RACIAL DISCRIMINATION IN PUNISHMENTS IN THE HOWRAH
GOODS SHED.**

1106. ***Mr. Bhuput Sing:** (a) With reference to the reply to starred question No. 407, dated the 17th February, 1932, is it a fact that one Mr. R. Blanchet, a Weigh Clerk in the Howrah Goods Shed (Outward), was fined Rs. 5 for being caught while taking bribes?

(b) Is it a fact that one Mr. S. K. Biswas was immediately dismissed for the same offence in the same office?

(c) If the replies to parts (a) and (b) be in the affirmative, are Government aware that this sort of racial discrimination in the Howrah Goods Shed (Outward) is causing much discontent; if not, do they propose to inquire; if not, why not?

Mr. P. R. Rau: I have called for information from the Agent, East Indian Railway, and will lay a reply on the table in due course.

**POSTS WITH SPECIAL PAY IN THE GOVERNMENT OF INDIA HELD BY
NONMUSLIMS.**

1107. ***Mr. Uppi Saheb Bahadur:** (a) Will Government please state the number of posts in each category, i.e., Superintendents, Assistants, Stenographers and clerks carrying special pay in each Department of the Government of India, and their attached offices, names and nationality of the incumbents holding each of them and the nature of duties for which special pay has been sanctioned?

(b) Is it a fact that almost all the posts carrying special pay are held exclusively by non-Muslims in each Department of the Government of India and attached offices?

†For answer to this question, see answer to question No. 1102.

(c) Is it also a fact that non-Muslims are in an absolute majority in each Department of the Government of India?

† (d) Will Government kindly give the names of Muslims in each category senior to those non-Muslims drawing special pay and the justification for meting out this differential treatment to Muslims?

The Honourable Mr. H. G. Haig: (a) For a statement of the number of posts in each category and the posts carrying special pay in each Department of the Government of India and their Attached Offices, the Honourable Member is referred to the Finance Department Notifications No. D-7806-Ex-1/31 of the 16th November, 1931. I am unable to undertake the collection of the other information which the Honourable Member asks for.

(b) I have not complete information on the point, but I will obtain it and furnish it to the Honourable Member.

(c) Yes.

(d) It will be seen from the notifications to which I have referred in reply to part (a) of the question that generally speaking special pay is attached to the following categories of posts:

(a) Personal assistants to Honourable Members and stenographers attached to Secretaries, Joint Secretaries, and officers of corresponding status in some offices.

(b) Assistants and clerks in charge of sections in certain offices.

(c) Cashiers.

No question of differential treatment arises. Selection for such posts is made on the basis of fitness and not on communal considerations. The collection of the information asked for would therefore serve no useful purpose.

**ALLEGED DISCONTENT AMONGST MUSLIM EMPLOYEES IN THE GOVERNMENT
OF INDIA SECRETARIAT AND ATTACHED OFFICES.**

1108. ***Mr. Uppi Saheb Bahadur:** Are Government aware that considerable discontentment prevails among the Muslim members of the Government of India Secretariat and attached offices on account of:

(i) their very meagre representation in the Secretariat and attached offices;

(ii) their utter exclusion from the appointments carrying special pay; and

(iii) the rejection by the Finance Department of the recommendation of Departments or attached offices for the grant of special pay to their deserving Muslim members?

The Honourable Mr. H. G. Haig: I am aware that Muslim representation in the offices referred to is regarded as inadequate, but as has been pointed out on many occasions, their representation during the past 5 years has shown a steady increase. I must repudiate the suggestion that any discrimination is made against Muslims in regard to selection for posts carrying special pay.

**GRANT OF ADVANCE INCREMENTS OR SPECIAL PAY TO MUSLIMS IN THE
GOVERNMENT OF INDIA OFFICES.**

1109. ***Mr. Uppi Saheb Bahadur:** (a) Are Government prepared to reconsider the cases of deserving Muslims in each Department and attached

Office of the Government of India who are senior to those non-Muslims holding posts carrying special pay and are otherwise very well reported on and compensate them either by the grant of advance increments or by the grant of special pay?

(b) Is it a fact that precedents of the grant of such compensation to non-Muslims exist in the Government of India?

The Honourable Mr. H. G. Haig: (a) Special pay is granted for the reasons set out in Fundamental Rule 9(25). Government cannot accept the suggestion that if a member of the staff is selected to fill a post carrying special pay, those senior to him whether Muslim or non-Muslim should be compensated by the grant of advance increments. Its acceptance would be entirely contrary to the principle which underlies appointment to selection posts throughout the Services.

(b) The reply is in the negative.

AGE OF BABU KHUSHI MOHAMED, LATE CHIEF GOODS CLERK, NORTH WESTERN RAILWAY, FORCED TO RETIRE.

1110. *Mr. Uppi Sahab Bahadur: (a) Is it a fact that Babu Khushi Mohamed, late Chief Goods Clerk, North-Western Railway, was forced to retire four years before his time for retirement owing to the wrong entry in his service book?

(b) Is it a fact that for the rectification of the age entry in his service book Babu Khushi Mohamed produced proof of "birth certificate duly attested by a Magistrate, a school certificate and also a certificate of the Civil Surgeon of the rank of Lieut.-Colonel?

(c) Is it a fact that four similar Hindu clerks' cases were decided favourably, viz., Babu Tara Chand, Clerk, Agent's Office, Lahore, Babu Wazir Chand, Clerk, C. C. M. Office, Lahore, Babu Budh Raj, P. W. I. and Babu Radha Kishin, Station Master? Is it a fact that age entries in these cases were corrected as a result of which the men in question could continue in service? If so, why was the application of Syed Khushi Mohamed rejected?

(d) Is it a fact that various appeals and telegrams sent by Syed Khushi Mohamed failed to bring any satisfactory reply from the Agent and Railway Board? Will Government be pleased to say whether Railway employees of the class of Syed Khushi Mohamed have any right of appeal against the decision of the Agent? If not, what authority can they appeal to?

Mr. P. R. Rau: I have called for information from the Agent, North Western Railway, and will lay a reply on the table in due course.

SHORT NOTICE QUESTION AND ANSWER.

RECOMMENDATIONS OF THE RETRENCHMENT COMMITTEE REGARDING DAIRYING AND ANIMAL HUSBANDRY DEPARTMENTS.

Sardar Sant Singh: (a) Will Government please state what action they contemplate taking on the recommendations of the Retrenchment Committee regarding the Dairy Department of the Imperial Agriculture Department?

(b) Are Government aware that there is a strong public feeling against the proposed closing down of the Imperial Dairy Institute at Bangalore? Has this Institute proved very useful for providing training to Indian apprentices and for helping in developing the dairy and cattle industry of the country?

(c) In the event of the Bangalore Institute being closed down, do Government contemplate starting a new one anywhere else?

(d) Will Government please state if this kind of training can be given at the dairy farms in charge of the Military Department and whether the Military dairy farms are open to the public at present?

(e) In what ways are the activities of the Dairy Department to be curtailed?

(f) Are Government aware that the public appreciate the useful work done by this Department and that its discontinuance will cause considerable discontent?

Sir Frank Noyce: (a) and (e). I would refer the Honourable Member to page 57 of the Summary of the Results of Retrenchment Operations in Civil Expenditure and in Military estimates, which was circulated to Honourable Members with the Budget papers. As stated in that summary, Government have decided that the Imperial Institute of Animal Husbandry and Dairying at Bangalore and its allied stations at Karnal and Wellington should be retained, but that their activities should be somewhat restricted until financial conditions improve. All experiments in cross breeding with European cattle at Bangalore will be abandoned and attention will be concentrated on breeding high yielding strains of indigenous cattle only. Similarly, work at Karnal will be confined to cattle and that on buffaloes, sheep and goats will be discontinued. The training of students in dairying at Bangalore and its allied stations will continue to be given on the same lines as at present. The Creamery at Anand has been closed from March 1st.

(b) and (f). Government are aware that the valuable work done by the Imperial Institute of Animal Husbandry and Dairying in promoting the development of the dairying and cattle industry in this country has been widely appreciated. Any apprehensions in regard to its discontinuance should be set at rest by the statement I have just made.

(c) Does not arise.

(d) I presume that what the Honourable Member wishes to know is whether the Military Dairy Farms are open to the public as schools of dairying. The only men trained on these Farms are the apprentices of the Military Farms Department.

MOTION FOR ADJOURNMENT.

UNSATISFACTORY REPLY OF THE LEADER OF THE HOUSE IN REGARD TO THE EXPEDITING OF THE REFORMS WITH MAHATMA GANDHI IN JAIL.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair has received two notices of motions for adjournment. One is from the Honourable Member, Sirdar Harbans Singh. He proposes to ask for leave to make a motion for the adjournment of the Assembly for the purpose

[Mr. President.]

of discussing an urgent matter of definite public importance, namely, the unsatisfactory reply of the Honourable the Leader of the House regarding the expediting of the reforms with Mahatma Gandhi in jail. The second notice is from the Honourable Member, Mr. B. Sitaramaraju. He proposes to ask for leave to make a motion for the adjournment of the House to discuss the unsatisfactory and disquieting reply of the Honourable the Leader of the House to the short notice question yesterday regarding the attitude of Government towards constitutional reforms for this country awaiting decision.

Before I decide as regards the admissibility of these adjournment motions, I should like to ask whether any objection is taken.

The Honourable Sir George Rainy (Leader of the House): Sir, I should like to confine myself at this stage to the first of the two motions which you have read to the House. My submission is that the matter which it is sought to raise on the motion for the adjournment is not a definite matter of urgent public importance within the meaning of the Standing Order. It will be within the recollection of the House that in the short notice question which I answered yesterday, there was no reference to this question of the release of Mahatma Gandhi, though there was a reference to the question of reforms. That question of the release of Mahatma Gandhi arose only on a supplementary question asked by my Honourable friend, Mr. Ranga Iyer. Now, Sir, when the supplementary question was put, I did at one point say that it did not seem to me that it arose either out of the original question or out of any of the answers I had given, but I did not, Sir, as I might have done, ask you to rule the question out of order on the ground that it did not arise, nor did I ask for notice. The reason why I did not adopt either of these courses was that the matter was one on which the policy of the Government is well-known and on which statements had been made in this House recently, and I therefore indicated that the position of Government was unchanged. What is sought in this motion for adjournment to-day is to say that my reply was unsatisfactory because I did not indicate any change in the Government policy in the way of accepting the suggestion underlying the question. Now, my submission on that point is this, that apart from the question which was put, it would not have been open to the Honourable Member to have raised any question of a motion for adjournment of the House on account of the failure of Government to release Mahatma Gandhi or to take action in that direction—for that is the substantive matter that he has raised,—it would not have been open to him admittedly to raise it but for the question implying a suggestion and the answer given to it. Now, Sir, had I given an answer asking for notice, or had I asked you to rule that the question did not arise, and you had ruled accordingly, then I think it would have been very difficult to bring forward this motion for the adjournment, and the mere fact that, instead of adopting either course I indicated that the policy of Government had already been stated and remained unchanged, is not sufficient to make it become a definite matter of urgent public importance within the meaning of the Standing Order. There is nothing new, there is no new element in the situation. All that has happened is, that my Honourable friend put a question containing a suggestion and my answer is judged unsatisfactory because that suggestion was not at once acceded to. For these reasons.

Sir, I would submit that the motion does not raise a definite matter of urgent public importance within the meaning of the Standing Order. That, Sir, I think, completes the submission I wish to make to the Chair.

Mr. President: Has the Honourable Member, Sirdar Harbans Singh, anything to urge in reply to the objection raised?

Sirdar Harbans Singh Brar (East Punjab: Sikh): Yes, Sir. The Honourable the Leader of the House said that there is no new element in the situation which makes the matter a definite matter of urgent public importance. We have all along been told that His Majesty's Government, before deciding on the reforms, would enlist the co-operation of all parties in India and then decide the whole question of reforms. Yesterday's answer of the Honourable the Leader of the House shows that in December last when the repressive policy was already started, the Government had announced that they were going to expedite the reforms with Congress leaders in jail. So, I submit, that we had that answer from the Government yesterday, and this is the first opportunity when we could raise the question on the floor of the House. This is all I have to say.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhamadan Rural): Sir, the Honourable the Leader of the House stated that the adjournment motion does not arise because it has nothing to do with the original short notice question put by my friend Mr. Lalchand Navalrai. Sir, the adjournment motion of my friend Sirdar Harbans Singh relates to the unsatisfactory reply of the Honourable the Leader of the House in which he used the expression "expediting of the reforms", which should be taken in the light of the original short notice question. The Benthall circular, and particularly the attitude adopted by Government in the light of that circular, the expediting of the reforms becomes absolutely objectionable because of the imprisonment of Mahatma Gandhi and the determination of the Government to continue that imprisonment. The whole question of reforms and repression, examine in the light of the Benthall circular, introduces a new situation which this House is entitled to consider, and the Honourable the Home Member and the Honourable the Leader of the House will, and I hope, Sir, you will also give due consideration to this fact, that we are not concerned with anything more or less than the answer given on the floor of the House by the Honourable the Leader of the House. The answer is unsatisfactory because he proposes to expedite the reforms in the light of the Benthall circular and with Mahatma Gandhi in jail. That introduces a new feature altogether, and I cannot understand how the Honourable the Leader of the House . . .

The Honourable Sir George Rainy: I think the Honourable Member is unintentionally putting into my mouth words which I did not use. I did not say we wished to expedite the reforms in the light of the Benthall circular.

Mr. C. S. Ranga Iyer: Sir, it is open to this House to take the entire short notice question and the reply of the Honourable the Leader of the House in the light of the Benthall circular. The expediting of the reforms in the light of the Benthall circular with Mahatma Gandhi in prison assumes a new aspect which this House is perfectly entitled to discuss, and the question has no relation whatever to the short notice question, but the short notice question and the reply have got to be taken together and also the supplementary questions put on the floor of the House, which are

[Mr. C. S. Ranga Iyer.]

the property of the House and which were perfectly in order. The Honourable the Leader of the House did not raise a point of order that they were not in order; all these things have got to be taken together, and taking them together, I think, Sir, a definite matter of urgent public importance arises, namely, the expediting of the reforms as suggested in the Benthall circular with Mahatma Gandhi in prison.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The question which the Chair has to decide is whether the first adjournment motion which arises out of the reply given to a supplementary question is in order or not. The Chair does not propose at this stage to deal with the other motion. As regards the question whether the matter is of urgent public importance or not, the Chair holds that it is a matter of urgent public importance. If 25 Honourable Members regard the answer given to the supplementary question as unsatisfactory, they should be entitled to discuss it. It is for the House itself to decide whether they wish to discuss an adjournment motion on the reply given to one supplementary question or they prefer to discuss the reply given to the whole question. The Honourable the Leader of the House was right in saying that he could have raised the issue when that supplementary question was put. If he had done so the Chair would have decided the point; but he did not raise it; on the contrary he accepted the supplementary question as being in order and replied to it. That point cannot therefore arise on the present occasion. The Chair must therefore hold that the adjournment motion is in order, leaving it to Honourable Members to decide which one they will take up for discussion to-day. As objection has been raised, the Chair requests those Honourable Members who are in favour of leave being granted to rise 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. to-day.

Mr. N. M. Joshi (Nominated Non-Official): May I suggest that the second adjournment motion should be taken up for discussion? It would be better.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair left it to Honourable Members to decide. If they had not risen on the first adjournment motion, the second would have been put to the House. The fact that more than 25 Members rose in their seats leads the Chair to conclude that Honourable Members prefer to discuss the adjournment motion arising out of the answer given to a single supplementary question.

STATEMENTS LAID ON THE TABLE.

PRESSES ASKED TO FURNISH SECURITY.

The Honourable Mr. H. G. Haig (Home Member): I lay on the table the information promised in reply to starred question No. 54 asked by Mr. Lalchand Navalrai on the 25th January, 1932.

I place a statement on the table.

The Honourable Member will observe that the information relates to the period up to the 20th January, 1932.

I would remark with reference to part (d) of the question that security is demanded from the keepers and not the proprietors of presses

Statement showing the action taken by local Governments and administrations against Presses under the Indian Press (Emergency Powers) Act, 1931, up to 20th January, 1932.

Serial No.	Province.	Name of Press from which security has been demanded and date of demand.	Name of Keeper of Press.	Reasons for demanding security.	Whether any warning was given before security was taken.	Remarks.
1	2	3	4	5	6	7
1	Madras	A new press proposed to be started in the South Arcot District (13th November, 1931).	Govinda Gurjari.	His antecedents were reported to be bad. He was previously convicted of an offence under section 143, I. P. C.	..	
2	Bombay	Samrat Vaibhaw Press, Bombay (28th November, 1931).	Govind Narayan Vichare.	The previous keeper of this press was convicted under section 124-A, I. P. C., for printing a seditious booklet entitled "Bhagat Singhacha Powada," i.e., Ballad in praise of Bhagat Singh. As the press printed such a book security was demanded from the declarant.	No.	
3	Do.	Hubli Printing Works, Hubli (Dharwar), (12th January, 1932).	Shrinivas Krishna Sagar.	The press was used to print objectionable matter in the past.	No.	
4	Bengal	Hari Press (16th January, 1932).	Amar Nath Mehra	For publishing articles containing words of the nature described in sub-section (1) of section 4 of the Act.	Yes.	
5	Do.	The Indian Daily News Press (15th January, 1932).	Hemendra Narayan Bagchi.	Ditto	Yes.	

[1st YBKR 1835]

[illegible]

Serial No.	Province	Name of Press from which security has been demanded and date of demanding	Name of Keeper of Press	Reasons for demanding security	Whether any warning given before security asked	Remarks
1						
2	Central Provinces	Yeshwantrao Press, Yeotmal (18th January, 1932)	Hemant Yashwantrao Havelkar	For printing in Lokmat "I am a newswriter, not a journalist" article concerning the new Government of the Central Provinces, dated 10th January, 1932, in which it was stated that the Government of the Central Provinces had decided to discontinue the printing of the Lokmat newspaper.	Yes	
3	Do.	"The Arjun Press" Ahmednagar (20th January, 1932)	B. G. Kharbade	For printing in Lokmat "I am a newswriter, not a journalist" article concerning the new Government of the Central Provinces, dated 10th January, 1932, in which it was stated that the Government of the Central Provinces had decided to discontinue the printing of the Lokmat newspaper.	Yes	
4	Do.	The Amberlax Press (1931) December, 1931	Mangal Rao	For printing in Lokmat "I am a newswriter, not a journalist" article concerning the new Government of the Central Provinces, dated 10th January, 1932, in which it was stated that the Government of the Central Provinces had decided to discontinue the printing of the Lokmat newspaper.	Yes	
5	Do.	Confess Press (23rd December, 1931)	Danesh Bhargava	For printing in Lokmat "I am a newswriter, not a journalist" article concerning the new Government of the Central Provinces, dated 10th January, 1932, in which it was stated that the Government of the Central Provinces had decided to discontinue the printing of the Lokmat newspaper.	Yes	
6	Do.	Reliance Printing Press (30th December, 1931)	Shri Ram Venu	For printing in Lokmat "I am a newswriter, not a journalist" article concerning the new Government of the Central Provinces, dated 10th January, 1932, in which it was stated that the Government of the Central Provinces had decided to discontinue the printing of the Lokmat newspaper.	Yes	
7	N. W. P.	Reliance Printing Press (28th January, 1932)	Shri Ram Venu	For printing in Lokmat "I am a newswriter, not a journalist" article concerning the new Government of the Central Provinces, dated 10th January, 1932, in which it was stated that the Government of the Central Provinces had decided to discontinue the printing of the Lokmat newspaper.	Yes	

1. Complaints of prisoners against the Chief Medical Officer and their grievances about allotment of printing labour to them.—It is alleged that by the instructions of the Chief Medical Officer certain prisoners are required to grind 15 or 16 seers for a period of four months. This is untrue. No prisoner is kept in the grinding cell for more than three months at a time provided he does his allotted task as laid down in the Jail Manual. The maximum task that is allowed in the North-West Frontier Province is 10 seers per diem.

2. Estimate of food charges per head per prisoner.—The estimate of food charges per head is incorrect. The average dieting cost per head in this province is 0-2-3 per day while in the Punjab jails it is 0-1-9 per day.

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Times of the 18th December, 1931.

regarding "Political Prisoners' Grievances", as published in the Eastern

tion with starred question No. 62 asked by him on the 26th January, 1932,

to the supplementary question asked by Dr. Zaidin Ahmad in connec-

Sir Evelyn Howell (Foreign Secretary): I lay on the table the answer

Frontier Province.

ALLEGATIONS REGARDING POLITICAL PRISONERS IN THE NORTH-WEST

foundation.

maintained is adequate for redemptions, and that the suggestion in (b) is without

The Agent, Bengal and North Western Railway, reports that the relieving staff

Mr. N. R. Gungul on the 4th March, 1932.

the information promised in reply to unstarred question No. 124 asked by

Mr. P. R. Ran (Financial Commissioner, Railways): I lay on the table

LEAVE FOR SUBORDINATES OF THE BENGAL AND NORTH WESTERN RAILWAY.

the allotment of grace marks on a scale more restricted than in the past.

Works Account Code, Fundamental Rules and Civil Service Regulations papers and to comparatively large number of failures in two very important subjects, viz., the Public

(b) The marked lower percentage of passes than usual this year is due to the

(a) No. The result of the ordinary branch was 11 per cent. of passes.

by Bhagat Chandi Mal Gola on the 14th March, 1932

The Honorable Sir George Schuster (Finance Member): I lay on the

table the information promised in reply to starred question No. 784 asked

Success of Candidates in Accounts Service Examinations.

TAXATION IN DEBRA DUN CANTONMENT.

Mr. G. M. Young (Army Secretary): I lay on the table the information promised in reply to starred question No. 381 asked by Sirdar Soban Singh on the 15th February, 1932.

The total estimated revenue for the whole cantonment for 1931-32 is Rs. 47,430. But out of this only Rs. 4,300 are derived from the area occupied by the civil population. A very much larger sum is spent from Cantonment funds on that area. The total expenditure on education during the year amounted to about Rs. 1,900 inclusive of a special grant of Rs. 1,159 to the District Board for the provision of a school room with furniture, for cantonment boys. No separate schools are maintained by the cantonment authority, but two District Board schools, and the Gurkha boys' School are aided by it.

THE FOREIGN RELATIONS BILL—contd.

Mr. President: Further discussion of Sir Evelyn Howell's amendment to Clause 2.

Mr. C. C. Bhasas (Calcutta: Non-Muhammadan Urban): I consider that the amendment which has been placed before the House by Sir Evelyn Howell is a decided improvement upon the clause as it emerged from the Select Committee. Fears were expressed by more than one Honourable Member yesterday that a new offence was being created by the present Bill. If however the House would accept the amendment there will be no question of any new offence at all. The offence will be the offence of defamation, an offence known to Indian law ever since Lord Macaulay applied his wisdom in drafting the Indian Penal Code. Under the existing law it is as much an offence to publish a statement defamatory of a foreign Ruler or any of his relations or ministers as it is to defame an ordinary individual within British India, but for practical purposes the difference is this. A foreign Ruler or his minister, or a member of his family, would not cross the frontier and lodge a complaint in British India. Therefore defamation of such a person practically carries with it a charter of immunity from punishment. What the Bill seeks to do, especially the amendment, is to take away that difficulty in the case of a foreign Ruler who may be defamed. Ordinarily in a criminal case a complaint may be filed by any one, but in so far as the offence of defamation is concerned, section 198 of the Criminal Procedure Code has laid down that the person aggrieved is the person who alone can lodge a complaint. That being so,

† That for clause 2 the following be substituted:

"2. Where an offence falling under Chapter XXI of the Indian Penal Code is committed against a Ruler of a State outside but adjoining India, or against any member of the family or against any Minister of such Ruler, and, in the opinion of the Governor-General in Council, the maintenance of friendly relations between His Majesty's Government and the Government of such State may thereby be prejudiced, the Governor-General in Council may make or authorise any person to make a complaint in writing of such offence, and notwithstanding any thing contained in section 198 of the Code of Criminal Procedure, 1898, any Court competent in other respects to take cognizance of such offence may take cognizance thereof on such complaint."

such complaint."

any foreign Ruler, as the law now stands, if he feels aggrieved by any statement published against him, has got to appear before the Court himself and lodge the complaint. Now, Sir, the proposed amendment seeks merely to make an exception to the rule in section 198 in favour of the foreign Ruler. If you turn to section 198 of the Code of Criminal Procedure, you will see that a new proviso was added to that section in 1923. That proviso enacted an exception in favour of certain classes of persons, such as minors, lunatics, idiots, women, persons suffering from any infirmity or sickness. In the case of such persons, it was provided that the complaint might be filed on their behalf by somebody else with the leave of the Court. What is now sought to be achieved by the present amendment is that, instead of a complaint being filed with the leave of the Court on behalf of a foreign Ruler, a complaint will have to be authorised by the Governor-General in Council. I fancy that the object of this Bill might have been attained by a simple amendment of that proviso to section 198. That is all. We are not creating a new offence at all. The offence is the offence of defamation. The amendment that adds further before the Governor-General in Council decides to authorise a complaint, he must be satisfied that the publication in question is likely to disturb friendly relations between His Majesty's Government and the Government of the State concerned. This question of friendly relations has got to be considered only for the purpose of deciding whether the complaint should be lodged or not. In the Select Committee, the clause as drafted made this element an ingredient of the offence itself. That might lead to some difficulty. As a matter of fact, if you look at the opinions which have been received on this Bill, you will find it has been pointed out by several people that if this question as to whether or not any publication would have the effect of prejudicing friendly relations between His Majesty's Government and a foreign State, is left to be decided in a court of law, it might give rise to various complications and difficulties. Therefore very wisely, this amendment seeks to take away that question from the purview of the courts and to eliminate it from the composition of the offence altogether. The Governor-General will merely decide on these grounds whether or not a complaint should be filed. An objection was suggested in some parts of the House yesterday that this might involve the Governor-General—acting no doubt at the instance of the Foreign Secretary—acting in a way not quite impartial; in other words, the Governor-General might be showing favoritism in the case of some foreign Rulers, and not in the case of others. I do not believe that that will be so. But assuming that that is so, what is the position? Supposing that the Governor-General does not authorise a complaint where a complaint ought to have been filed, my Honourable friends who are criticising the Bill cannot object if no action is taken because their contention is that no action should be taken against anybody. On the other hand, if a complaint is filed, it only means that the matter is brought before the Court, and when it is brought before the Court, the only question which the Court will be called upon to determine is whether or not the publication in question constitutes defamation. That is about all, and not the other question as to whether or not any foreign relations are going to be endangered. So, I submit that the clause as amended in the way suggested will meet all reasonable objections that can be taken. Why should it be an offence to defame a person in British India, but not to defame a person outside British India? Why should you put any obstacles in the way of a person who may be

[Mr. C. C. Biswas.]

outside British India, merely because he is outside British India, and is not likely to come over to British India for the purpose of seeking his remedy? So, I maintain, Sir, all the apprehensions to which expression was given in the House are utterly groundless.

Then, Sir, if you look at another clause of this Bill—clause 4—you will see there is an important safeguard. Clause 4 contemplates cases where an order of forfeiture may be made. If in any such case an order is made for forfeiture of the document in question, then any party aggrieved by that order has the right to go up to the High Court. That right is secured to him by virtue of the provisions of sections 99A to 99G of the Code of Criminal Procedure being extended to these cases. Therefore, the position is this. If it is purely a prosecution for defamation and nothing more than that, the Court will decide that question as in ordinary cases. If, over and above that, there is an order of forfeiture, the High Court will have the right to go into that question, and if necessary, to set aside that order. Where, then, is the difficulty, where is the danger, I do not see. No grave question of international law are really involved, unless you say that whether or not the Governor General should authorise a complaint to be lodged on behalf of a foreign State is a question of international law. After all, such as it is, it is not so very serious or so very dangerous that we need shy at that.

Some questions were raised as to the scope of this clause—that not merely a foreign Ruler, but members of his family or his ministers have also been included. I do not see what objection there can be to the inclusion of these persons. After all, every person is entitled to be protected against any attacks upon his reputation, and therefore, when we are including these persons, it only means that we do so because they are persons who are not likely of their own accord to take action by coming over to British India. There need not be any fear that the word “family” will be construed in such a sense as to include anybody and everybody. Even if it does, there need be no objection, I submit. As my lawyer friends know, the word “family” has been interpreted in various judicial decisions. It has come to be regarded as a term of art, and therefore there need not be any doubt whatsoever as to the precise implications of that word.

So, on these grounds I think the House will be well advised in accepting this amendment in preference to the form in which the clause has emerged from the Select Committee.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, I must congratulate my Honourable friend the Foreign Secretary on having found support not only in what is called the United India Party but also in a section of the Nationalist Party.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): He has resigned from the Party.

Sir Abdur Rahim: I did not know that. Is that a fact? Any way, Sir, my Honourable friend has found support from Mr. Biswas, who I thought was a member of the Nationalist Party. It is difficult for me, although I have also practised as a lawyer for a very long time, to understand the

necessity for this amendment at all. The main object of the amendment is that the Governor General should have the power to authorise any person to make a complaint under section 198 of the Criminal Procedure Code. The reason given in justification of this proposal is that the foreign Ruler or his representative in India, say his Consul, would not or might not care to go to Court and make a complaint that he has been defamed by certain persons who are citizens of British India. I can understand the case of the foreign Ruler, but I do not know why any one representing him in India could not come before a British Indian Court and make a complaint that he has been defamed or his Ruler has been defamed. I see no reason whatever. We have for the purpose of this Act opened the Courts of British India to such a complaint, and if as a matter of fact any foreign Ruler or his representative feels any grievance with respect to any writing in the Press or any utterance in public on the part of any British Indian citizen, why should there be any difficulty on his part to make a complaint? Once a complaint is made, by whomsoever it may be, the whole question is opened up whether the writing or utterance is likely to prejudice foreign relations or not. Then, where is the difficulty on the part of the representative of any Ruler or a member of his family to make a complaint here? If I followed the Honourable Member in charge of the Bill correctly, I think he said that a Consul may not know what the exact position is. If the Consul does not know, surely, it is too much on the part of the Foreign Secretary to expect us to accept the position that the Government of India are more solicitous for protecting the reputation of the foreign Ruler or his representative than the foreign Ruler or his representative himself. This is a proposition for which I do not see any warrant whatever. Any person on behalf of the foreign Ruler—his Consul or any other representative—might go to Court and say, “Here is a statement which is defamatory which I complain of”, and prove that his character or reputation is injured. In that case the Court would proceed according to law. It is a very queer thing that while A’s character is supposed to be injured, and he is supposed to be defamed, he should not come into Court, but somebody else, the representative of another Government should come into Court and say that he has been defamed, that his character has been injured and that his reputation has been brought low! Sir, I find no warrant for it whatever. It may be claimed that the Government of India prosecuting a person for defamation of this sort would put the whole matter in a securer position so far as the Courts are concerned. But surely the Secretary or whoever may appear on behalf of the Governor General in Council cannot be in the same position as the person who has been defamed or his representative to enlighten the Court on the question whether as a matter of fact the article in the Press in question or a particular speech has a tendency to lower the person who complains about it in the estimation of the public. Surely it is that person and that person alone who can best speak on the point. I submit therefore that there is no warrant for the proposition which is embodied in this amendment.

Sir I do not find my friend, Mr. Yamin Khan, in his seat. He admitted yesterday that he had committed an error in not agreeing with the proposition of the Government in this respect—the proposition that is now embodied in this amendment. Sir, we on this side of the House wish that Mr. Yamin Khan and his United India Party committed a few more

[Sir Abdur Rahim.]

mistakes like that. It was a very grave mistake indeed (Dr. Ziauddin Ahmad: "It is a disunited party now.") on the part of Mr. Yamin Khan and his party to commit. I realize that. He further complained that I did not choose to go to the Select Committee, but if my friend had been here in his seat, I would have assured him that my presence on the Select Committee would perhaps have helped him to commit more mistakes and not fewer mistakes of this character. (Laughter.) Sir, the whole amendment, as it is, contains several propositions and I find that there are a number of other amendments in which objection is taken to a certain phraseology in clause 2 of the Bill. For instance, any member of the family of a Ruler alleging that he is defamed would be protected by this Bill. Now, Sir, suppose a man like Bachhai Sakao happened to be a member of the family of the Ruler for the time being and his conduct is criticised and very severely criticized by the Indian Press

Sir Evelyn Howell (Foreign Secretary): May I interrupt the Honourable Member for a moment? Bacchai Sakao was never the Ruler of a foreign State within the meaning of this Bill.

Sir Abdur Rahim: I never said he was. I said supposing he was a member of the family of the Ruler and supposing his conduct, about which we all know, was criticized and very severely criticized and his character was attacked, then the Governor General in Council would be entitled under the provisions of this Bill to lodge a complaint of defamation. I am putting forward a supposition case: it may be some other person. It may be Abdur Rahman or it may be some Singh or other. It makes no difference. But supposing a member of the family makes a complaint that he is defamed by being criticized in that way, then the Governor General in Council would be entitled under this Bill to lodge a complaint, though the criticism may be to the effect that he is acting against the best interests of the State concerned, and though the Ruler of that State may be an extremely enlightened and civilized ruler. Then, supposing such a publication is defamatory—that is, the allegations made against a member of the family of a Ruler like that—then in that case surely this Bill would entitle the Governor General in Council, or the Political Department, to make a complaint.

Sir Evelyn Howell: No.

Sir Abdur Rahim: My friend, the Foreign Secretary, shakes his head, but I should like to hear the Law Member on that point, if I am not correct. I should like the Honourable the Law Member to say that such criticism or such reflection on such a member of the family of a Ruler against whom there is nothing to be said would not come within the scope of this Bill. It most undoubtedly will, as any lawyer would tell the Foreign Secretary. Is that a position which can be supported for one moment? It would be a most serious position from any point of view. Of course we do not know the facts as regards the operations of the diplomatic or the Foreign Department. They have their own policy. That is another matter. But from the public point of view, it would be disastrous if the Press is going to be stopped from making criticisms of that character; and I say that there must be some object in including the members of the family of a Ruler. If the Honourable the Foreign Secretary agrees to delete that clause, as I understand

Sir Evelyn Howell: We are prepared to accept an amendment about it—the amendment of Mr. Maswood Ahmad which runs as follows:

"That in clause 2 of the Bill as proposed to be amended by Sir Evelyn Howell for the words 'any member of the family or against any' the words 'the consort or son or the principal' be substituted."

Sir Abdur Rahim: Are the Government going to accept that amendment?

Sir Evelyn Howell: Yes.

Sir Abdur Rahim: Then, Sir, the amendment wishes to place on the statute the very words of the original clause, namely, that the offence would result in prejudicing the maintenance of friendly relations. If this amendment were passed, I take it that these words would remain, although there are amendments to delete it or to modify the language. That is another difficulty in the way of the acceptance of this amendment by this House. "Prejudicing the maintenance of friendly relations" is undoubtedly very loose language, and I am sure that the Court will find very great difficulty in obtaining definite evidence on a point of that character.

Now, Sir, these are some of the points against the acceptance of this amendment, but I understand that what the Government wish to secure by this amendment is that the complaint may be made by the Governor General in Council, and that is to suffice the requirements of the law. Sir, I do not think any case has been made out for this amendment. There is no reason whatever why the complaint should not be made in the ordinary way laid down in the law. Mr. Biswas cited the new proviso to section 198 of the Criminal Procedure Code by which lunatics, idiots and minors are authorised to make complaints through other persons. I do not know whether Sir Evelyn Howell is very happy over this argument of Mr. Biswas, but I am sure he does not think, seriously speaking, that there is any analogy between the two cases. Apart from that, there is a very serious objection from the point of view of the administration of justice. It is very difficult to understand why we should allow a third person in a case of defamation to come forward and say, "So and so has been defamed, his character has been injured and he has been brought down in the estimation of the public". I can quite understand the Political Department giving evidence as regards the question whether friendly relations between India and any Foreign State are likely to be prejudiced or not. They have knowledge of these matters and undoubtedly they are in a position to give evidence on such a point. But whether a particular individual has been defamed or not, surely it is for that individual to complain, and I do not see any reason why any Department of Government should butt in when the person concerned or his representative does not complain. I submit, therefore, that this is a bad amendment and ought not to be accepted.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): Sir, I have very little to say after the able exposition of the subject by my Honourable friend, Sir Abdur Rahim. But I should like to add just one or two words. In the Bill, as it was originally introduced, the mere publication of a statement which was likely to promote unfriendly relations between His Majesty's Government and the Government of a

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foreign State was deemed to be an offence; but the Select Committee improved upon it and made two elements as vitally necessary in constituting the offence under clause 2. The two elements were, firstly, the offence of defamation, which must be proved by the prosecution to the satisfaction of the Court. The second element was that this defamation must be with intent to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of the foreign State, or whereby the maintenance of such relations is likely to be prejudiced. These were the two elements which were incorporated in clause 2 by the Select Committee. Now, the question is—which is the authority to judge on these two points? The question whether a particular offence falls under defamation or not, clearly the Court has to decide. There was a difference of opinion in the Select Committee with regard to the latter point. The majority of the Select Committee held that the second element, which is to constitute the offence, namely, the intention to prejudice the maintenance of friendly relations, is also a question which should be decided by the Court. But my Honourable friend, Sir Evelyn Howell and my Honourable friend, Sir Lancelot Graham, on behalf of Government, objected to the latter ingredient in the offence being subjected to the decision of the Court. They therefore suggested that it should be the Governor General in Council who should decide whether the offence of defamation was likely to prejudice the maintenance of friendly relations, and so in the amendment which my Honourable friend the Foreign Secretary has moved, it is stated that this offence must be in the opinion of the Governor General prejudicial to the maintenance of friendly relations. That is all. I would submit that the best judge on the latter point should be the Court. We have got enough experience of the Executive Government not to leave such authority in their hands in regard to a decision on such points. The other day with regard to the Bengal Criminal Law Amendment Bill, we saw that the executive authority were very reluctant to place their cards on the table. They very often go on one-sided evidence, and in a case like that the Select Committee came to the conclusion that the best thing to do under the circumstances was to leave the decision of the second element, that is, the intention to prejudice the maintenance of friendly relations, to the Court to decide. My Honourable friend, Mr. Yamin Khan, who was also a Member of the Select Committee, was also of that opinion, but the revised edition of his opinion now is before the House; and he says he made a mistake in the Select Committee.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I frankly admit it.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): To err is human.

Mr. Gaya Prasad Singh: I would therefore submit that no case has been made out for the substitution of the amendment which is now proposed to be made by my Honourable friend the Foreign Secretary, and I beg to offer my opposition to that amendment.

Sir Lancelot Graham (Secretary, Legislative Department): Sir, in the first place, I should like to tender my thanks to my friend, Mr. Yamin Khan. Not only did he see the error of his ways but he has publicly

confessed the error of his ways, which seems to me to be a very noble action. But, in the first instance, I should like to fix the blame on myself and Sir Evelyn Howell because we did not press our case with sufficient clearness and force in the Select Committee.

Mr. Gaya Prasad Singh: You did so.

Sir Lancelot Graham: I am very much obliged to my friend, but I think it is possible that this idea was put forward rather suddenly and they did not see the full implication of it and the difficulties of the actual clause which they adopted at the time sitting in that Committee. Therefore, I would personally express my gratitude and my admiration to my Honourable friend, Mr. Yamin Khan, for the conduct in this respect. I am also very much obliged for the valuable support of Mr. Biswas. My Honourable friend, Mr. Anklesaria, in giving us his support, at the same time did not refrain from giving what I might call a backhander. He said, we have blundered, groped and gavelled, and by a supreme element of fortune had arrived at the right conclusion. But I am not disposed to argue with him or quarrel with him as to how we have arrived at the right conclusion, and I am not prepared to say that our first Bill was altogether bad. But what I would say is this, we have found that we are more likely to get this Bill through and possibly, I might say now—I am sorry Mr. Mudaliar is not present—that we have exercised a little of that sympathetic imagination which we were instructed to exercise the other day. At any rate we thought we could get that amendment through and we are now pressing that.

I now come to my Honourable and learned friend, Sir Abdur Rahim, and I must confess that I find him a very baffling friend. Yesterday, he attacked us very severely because we were making an addition to the penal law of the country. I felt inclined to interrupt him, but I did not like interrupting, and ask him then to look into our amendment for a solution because our amendment just takes out that new provision and if we carry our amendment, the Bill will make no addition to the penal law of the country. The prosecution

Sir Abdur Rahim: Then why this Bill at all?

Sir Lancelot Graham: I do not think I am going to miss that point. If we carry the amendment to clause 2, which particularly lies under the Penal Code, the difference would be that a person aggrieved will not be obliged to come in person for making his complaint. But the prosecution will be under the Penal Code and will be a plain prosecution for defamation, and it will rely upon us to make out a case under sections 499 and 500. As I said, that to my mind ought really to cause the Honourable Member to agree with me and in his heart of hearts I think he does so; otherwise we should not have had this very rambling and confused speech from him to-day. As far as I can make out, he asked why the law should be changed at all. Because if the Sovereign of a neighbouring State is aggrieved by some reflection on his character or conduct contained in the Press of India, he has only got to send his representative to file a complaint. Is that actually what the Honourable Member said? If so, I do certainly differ from him because the provisions of section 198 definitely lay it down that a complaint must be made by the person aggrieved. Does my Honourable friend suggest that a Court would accept as the

[Sir Lancelot Graham.]

person aggrieved the Minister or some friend of the Ruler? I maintain that that would be a complete negation of the provisions of section 198, and if there was any doubt on the matter, I think it would be cleared up by the proviso which says:

"Provided that, where the person so aggrieved is a woman who, according to customs and manners of the country, ought not to be compelled to appear in public, or where such person is under the age of eighteen years or is an idiot or lunatic, or from sickness or infirmity unable to make a complaint," etc.

Where a person of one of those classes is the person aggrieved, then and then only "some other person may, with the leave of the Court, make a complaint on his or her behalf". I cannot agree for a moment, and I do not think the Honourable Member would himself agree on reading that section again, that a Sovereign from abroad could send a Minister and say the Minister could act as the person aggrieved. But that is what we are going to do by our Bill.

Sir Abdur Rahim: Send a representative.

Sir Lancelot Graham: No. Under the law a complaint must be made by the person aggrieved and that must be the person whose character is taken away. It is no good my friend saying, for instance, that there is a representative of Afghanistan, or a representative of Nepal here who is entitled to make a complaint on behalf of the Ruler. That being so, I think my Honourable friend must really admit that he entirely agrees with this amendment. The only thing he might say would be, "Well, I think the Court ought to be left to be satisfied as to whether this particular libel affects or is likely to affect the friendly relations and that is the attitude which my Honourable and practical friend, Mr. Gaya Prasad Singh, took up. He said, that is the one point which really should be the test of this very difficult issue as to whether the particular article was likely to have the particular effect on foreign relations. I have no doubt that he said so even after reading our minute of dissent. But I maintain that that is a very difficult issue to be entrusted to a Court, and, indeed not the proper question to be entrusted to a Court. When the Government have taken upon themselves the burden of proving their case under libel, there is no need whatever to impose upon them the additional burden of trying to satisfy the Court on this question of the effect on foreign relations. Everybody must admit that my Honourable friend, Sir Evelyn Howell, or whoever sits in his place, is the person who is really more capable than any Court of adopting the correct position on that issue and knowing whether friendly relations are likely to be prejudiced. Not only that, but there is the fundamental difficulty of evidence being produced in the Court likely to have that effect upon the decision of the Court. The very production of evidence and arguing of the case is, as we stated in our minute of dissent, more likely to add fuel to the fire and further to prejudice friendly relations than if you leave it to the certificate of Government."

Sir Abdur Rahim: May I ask whether it is intended by this amendment to preclude evidence on the subject of friendly relations? Is that the object?

Sir Lancelot Graham: I am surprised that the Honourable Member should ask that question. I do not think there can be any possibility of doubt after reading the amendment.

Sir Abdur Rahim: Surely that is the object.

Sir Lancelot Graham: I submit it is not. But I do not know the opinion of my Honourable friend. What happens is this. In effect the Governor General in Council comes to Court and he says, "I am satisfied that the particular article is going to have a particular effect and I believe that article to be libellous. I lay a complaint of libel before the Court".

Sir Abdur Rahim: It is for the Court to decide upon that complaint.

Sir Lancelot Graham: The Court is to decide whether the particular person in respect of whom a complaint is made has been libelled.

Sir Abdur Rahim: And whether friendly relations are likely to be prejudiced.

Sir Lancelot Graham: No. I do not think my Honourable friend could have listened to the very clear speech made by my Honourable friend, Mr. Gaya Prasad Singh. It was made plain not only in our minute of dissent, but we have sought to make it plain in the amendment which we put in, and I hoped I had succeeded in making it plain. The real point in issue is as to why should Government be allowed to come in as complainant? The answer is because the foreign relations of Government are liable to be prejudiced. My Honourable friend said, let His Majesty, so and so, come or send his representative. We know that difficulties would arise in such cases, and as a matter of fact as practical men we cannot sit by and allow statements to appear in the papers when not only the character of His Majesty so and so is being affected, but our own political safety and our relations are being very gravely affected, and that is why we claim to intervene and it is because we know where the shoe pinches, and we know the danger to ourselves that we are claiming the right to put a certificate into Court and to take the place of the monarch who has been defamed and to discharge before the Court the burden of proving that that particular monarch has been defamed. On these grounds, Sir, I support the amendment.

Khan Bahadur H. M. Wilayatullah (Central Provinces: Muhammadan): I rise to oppose the amendment which has been moved by the Honourable the Foreign Secretary, and after what I have heard just now from my Honourable friend, Sir Lancelot Graham, I particularly oppose it. The object of the amendment is to dispense with the necessity of proving that the accused, by publishing a certain article held to be defamatory, intended to prejudice the existence of friendly relations between the British Government and the foreign State concerned. When a prosecution is instituted by the Government of India, it will carry with it the presumption that the accused had such an intention.

It will often be difficult to decide beforehand how far criticism of a particular measure will be treated as fair and reasonable, and at what stage the author of such an article will be considered to have overstepped the proper limits making the article defamatory and punishable under clause 2. The amendment if embodied in the Act will place a great handicap on the accused inasmuch as the presumption of the guilty intention on his part will always weigh heavily against him and he will be unable to rebut it to the satisfaction of the Court, and prove that, in fact,

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he had no such intention. Just now my Honourable friend Sir Lancelot Graham has said that all evidence on that point would be shut out. That will be very unjust, and I do not think it will be a fair trial at all if the Government of India are to be the sole judge as to whether there has been anything which is likely to prejudice the existence of friendly relations. In the circumstances it is very desirable that the point should be examined also by the Court for otherwise there will be nothing in the case except that there was an article, that it was defamatory and that it was published by a certain person. In order to decide whether a man has been really guilty or not, it is always necessary to ascertain exactly what his intention was when he committed the act. Any presumption of guilty intention on his part will be practically to prejudge the case against him, and it will place him in an exceedingly unfavourable position from the very commencement of the trial.

The offence constituted by clause 2 of the Bill is new in our legal system. Such offences have been and will be few and far between. It would therefore be undesirable to frame the law in such a manner as to give an impression that the object of the Government is not so much to punish the offenders as to stifle the public voice. Indians, whether Hindus or Muslims, have connections with their brethren in the adjacent countries, and they feel for their co-religionists or for their countrymen if they are subjected to harsh, unjust or discriminatory treatment in foreign States. It is for this reason that the Bill has been considered by a large section of the people as a piece of unwelcome legislation, and it is very necessary that the Government should proceed with great caution if they really have any regard for the feelings of the people of this country. The Honourable the Foreign Secretary has given an assurance in his speech that religious controversies will not come under the purview of this Bill. That is all right. But I would like to point out that there is no clause in the Bill itself to this effect. Religious and political questions often overlap each other and they become intermixed when controversies arise. Much depends on the point of view from which a particular question is looked at. A man with a genuine grievance may go to the Press to enlist public sympathy and support and he may even make a public disclosure of the conduct or policy of the foreign Ruler in regard to a matter of public interest and importance. The author of the article may do all this with howsoever an innocent intention, yet motives of mischief will be attributed to him if at his trial there is the legal presumption against him. He will be greatly handicapped.

Sir Lancelot Graham: There is no legal presumption under the section.

Khan Bahadur H. M. Wilayatullah: It was just now said by my Honourable friend Sir Lancelot Graham that the point whether the accused intended in fact to prejudice the existence of friendly relations or not between the British Government and the foreign State will not be a question for the Court to decide. There will be the presumption against him.

Sir Lancelot Graham: No, there is no presumption against him, because he is not being tried for that. He is being tried only for libel, and libel as laid down in the Penal Code.

Khan Bahadur H. M. Wilayatullah: As I pointed out in my speech at Simla in September last, if the Ruler of a foreign State proclaims himself as the Caliph of the Muslims, an Indian Muslim may subject this action of the Ruler to severe criticism. He may even point out defects in his character which in his opinion unfit him for that high and exalted office. It will not be denied that the author of the article had not the remotest intention of prejudicing the friendly relations between the British Government and that Ruler. In my opinion, in such a case proof of mischievous intention on his part is absolutely necessary before he can be held guilty of an offence which he never dreamt of.

Mr. Muhammad Yamin Khan: Does it not come within the purview of religious criticism if a man proclaims himself as Khalifa?

Khan Bahadur H. M. Wilayatullah: It is not excluded anywhere in the Bill. There is no clause showing what cases will be exempted and form exceptions. To presume that he intended mischief involving international trouble will be to confuse all the boundaries of crime. Surely you must draw a line where mischief began; and to presume, that because he published an article, he intended mischief of an international character is, I think, going too far, and indeed such a presumption is not justified. There are several shrines at Meshed which are held in great reverence, and visited by thousands of people from this country. Suppose they are touched under a wave of reform, or their *wakfs* are confiscated, or improper exactions are levied from the pilgrims. Do the Government of India expect that the Indian Muslim shall remain quiet and not agitate about it? And if they do agitate, because there is no clause in the Bill to the effect that anything will form an exception, it will be said that his intention was simply to bring the relations of the Government of India with the foreign State to a breaking point. That is at least what I understand from the wording of the Bill. It has been drafted with great care but it does not satisfy me. I have done judicial work for many years and, for that reason, I read it with great care. I found certain things wanting. No term has been defined in the Bill. The Bill is an extraordinary piece of legislation, and consequently people are very suspicious about its effects. For this reason it was vehemently opposed at Simla. Clause 2 is the only operative clause in it, and it was slightly modified by the Select Committee. The proposed amendment will take away the only relieving feature of the Bill; and if passed, the legislation will be held to be very arbitrary and perhaps even one-sided, because, whenever a prosecution is instituted, it will be sure that there will be a conviction. When there is an article and it is held to be defamatory and it has been published the case will be sent to Court only to fix the identity of the author. Other matters such as a guilty and mischievous intention on the part of the man need not be proved because they are already presumed against him from the very beginning.

Sir Lancelot Graham: It is not so.

Khan Bahadur H. M. Wilayatullah: It is a piece of unusual legislation and it is necessary that the burden of proof on the prosecution which is the only safeguard should not be removed from the Bill especially when people are very suspicious about it. I would therefore recommend that it should be worded in such a manner as to inspire confidence in the minds of the public, and used only with the greatest caution.

The Honourable Sir Brojendra Mitter (Law Member): Sir, I find there is some misapprehension with regard to the scope of the Bill. What does Sir Evelyn Howell's amendment mean? For the sake of brevity I will use the expression "foreign Ruler" to include all the categories in the amendment. All that the amendment means is this: as soon as a defamatory article or a defamatory speech is published or made against a foreign Ruler, instead of compelling that foreign Ruler to come and lodge an information, the Governor General in Council may lodge the information; with this proviso, that the Governor General in Council should be of the opinion that such defamation is likely to prejudice friendly relations. That is all that the amendment means. Therefore it will be a simple case of defamation, and the three elements of defamation will have to be proved in Court. The three elements, as Honourable Members are aware, are first, imputation, second, publication of the imputation, and third, wrongful intention or wrongful knowledge. These elements will have to be proved in order that you can get a conviction for defamation. You must prove that something defamatory has been imputed. You must prove that that has been published and you must also prove that that was done with wrongful intention or wrongful knowledge

Khan Bahadur H. M. Wilayatullah: Will all those exceptions apply here also? If the writer says that the matter is true and that it was done in the public interest, would such a defence be admissible?

The Honourable Sir Brojendra Mitter: All the exceptions come in: for instance an imputation may affect the character of a person. If it be true or if it be *bona fide* criticism or in the public interest that the criticism was made, all these defences will be available to the accused. In order to be defamation it must be defamation within the meaning of section 499 of the Indian Penal Code, taking all the exceptions of section 499. All that the amendment says is this: do not compel a foreign Ruler to come and lodge a complaint in British Indian Courts. That is all; and as a safeguard there is a proviso that the Governor General in Council will not lodge a prosecution unless he is of opinion that such defamation is likely to prejudice the relations between the two countries.

Mr. Gaya Prasad Singh: Who is to be the judge?

The Honourable Sir Brojendra Mitter: The Governor General in Council. And that is the law in England also. That is what I want to point out. It is implicit in the defamation of a foreign Ruler that friendly relations will be disturbed. I wish to read one passage from Lord George Gordon's case, who defamed the Queen of France and the French Ambassador. The learned Judge, addressing the accused said:

"It was highly necessary that the governing powers of this country (that is, England) should take upon themselves the prosecution of so daring an offender. Other nations (who do not know how much the greatest of all blessings, Liberty, and particularly, the Liberty of the Press may be perverted in the hands of wicked men), could hardly be induced to believe that such daring and atrocious publications as yours could ever go forth into the world without the connivance of that State at least in which they are published."

Therefore it comes to this: that whenever there is defamation of a foreign Ruler, the implication is that the State in which that publication

is made is conniving at that defamation. That is the implication and it is upon this principle that the law has been stated in Russell in these terms: (I desire Honourable Members' attention to the wording.)

"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."

The whole point of the indictment is that the publication has a tendency to disturb peaceful relations. Disturbance of peaceful relations is not an ingredient in the offence. The offence is the offence of defamation as defined in section 499 of the Indian Penal Code. All that Sir Evelyn Howell's amendment is seeking to do is this: that instead of compelling a foreign Ruler to come and lodge his complaint, you authorise the Governor General in Council to lodge the complaint, provided the Governor General in Council is satisfied that that particular defamation has a tendency to disturb peaceful relations. That is all: nothing else. Therefore, the alarm which has been expressed in this House over this innocuous Bill is difficult for me to understand. There is nothing alarming in it; nothing dangerous in it. If, as my Honourable friend, Dr. Ziauddin, asked yesterday, some foreign Ruler on account of his policy towards religious institutions, be criticised in this country, then will the person making that criticism be liable under this Act? It all depends on whether it amounts to defamation or not. If it be *bona fide* criticism in the interests of the Muslim community as a whole, then certainly that writer or speaker will come under the protection of the *Exceptions* to section 499: it will not be defamation. But if it is defamation, then the Governor General in Council has still to consider its probable effect. It is not every petty defamation on which the Governor General in Council will take action; but if it be defamation of such a character that it is likely to disturb friendly relations, it is only in such cases the Governor General in Council will authorise prosecution. That is all the amendment says. Why there should be this alarm I cannot make out. We are bringing the law into line with the English law. In the English law all that you need say is that there is defamation of a foreign Ruler, and it is implicit in such defamation, that friendly relations would be disturbed. As I have said it is not every defamation by an obscure publicist which will come under the mischief of this section because in every case the Governor General in Council will

Mr. Jehangir K. Munshi (Burma: Non-European): In England who decides this point?

The Honourable Sir Brojendra Mitter: It is the Executive Government; and if my friend Mr. Munshi were to look up the form of indictment, he will find that there is only one averment in the indictment, that the publication is defamatory of the foreign Ruler; that is all. Who decides that? Whether it is defamatory or not will of course be decided by the Court; but whether to launch the prosecution or not is in the discretion of the Executive Government. In England it is in the discretion of the Executive Government when the Attorney General should lodge the information, and it will be in the discretion of the Executive Government here when to launch a prosecution. Once the prosecution is launched, you will have to prove your case up to the hilt. You will have to prove wrongful intention and knowledge; you will have to prove imputation and you will have to prove publication

Khan Bahadur H. M. Wilayatullah: What can the defence be in such a case?

The Honourable Sir Brojendra Mitter: The defence in such a case may well be it is *bona fide* criticism; it may well be that it is true; justification may be a defence; the defence may well be that the criticism was made in the interests of the community. There may be hundred defences. All the defences which are now available to a person prosecuted for defamation will be available to the person who will be prosecuted under this Act. Therefore, I submit that we are doing nothing new and nothing dreadful; and the House need not be alarmed at this simple

Sir Abdur Rahim: Supposing the publication was made not with intention to prejudice foreign relations, but in good faith.

The Honourable Sir Brojendra Mitter: If there be good faith it may not be defamation: *Exception 3* of section 499, or *Exception 9* will protect the writer

Sir Abdur Rahim: That comes in as an element of the offence.

The Honourable Sir Brojendra Mitter: This is an element in the offence of defamation. As I said, there are three elements in the offence: there must be first of all imputation; there must be publication; there must be wrongful intention or wrongful knowledge that by such imputation the reputation of the person defamed will suffer.

Mr. Gaya Prasad Singh: Then this should be left to the Court to decide.

The Honourable Sir Brojendra Mitter: Of course, it will be left to the Court to decide. What does Sir Evelyn Howell's amendment say? It says:

"2. Where an offence falling under Chapter XXI of the Indian Penal Code is committed against a Ruler of a State outside but adjoining India."

Now, when is an offender liable? When you have proved against that person that he has published a defamatory imputation against a foreign Ruler with guilty knowledge or guilty intention that by such imputation his reputation will suffer

Sir Abdur Rahim: Then both the elements come in?

The Honourable Sir Brojendra Mitter: Not both the elements, but all the three elements come in; the element of imputation, the element of publication and the element of wrongful intention or knowledge on the part of the person defaming. All these three elements must be proved to the satisfaction of the Court.

You may say, if you authorise the Governor General in Council, who is not primarily the aggrieved person, to launch a prosecution, then a prosecution may be light-heartedly undertaken against any newspaper against whom the Government may have a grudge. I can well understand that, and therefore the safeguard has been provided that no prosecution will be launched against any person publishing a defamatory state-

ment against a foreign Ruler unless the Governor General in Council is satisfied that by that publication the friendly relation between India and the Foreign State is prejudiced.

Sir Abdur Rahim: Then the whole case is open, I take it, in the Court?

The Honourable Sir Brojendra Mitter: This opinion of the Governor General in Council only removes a bar. As soon as the Governor General in Council comes to the conclusion that a certain publication is prejudicial to friendly relations between India and a foreign State, then the bar which is there, that is to say, the bar to a person not aggrieved going to Court will be removed, and a prosecution will be launched by the Governor General in Council. Once the prosecution is launched, they will have to prove every element which constitutes the offence of the defamation

Sir Abdur Rahim: Including the statement whether it is likely to be prejudicial or not.

The Honourable Sir Brojendra Mitter: That is not an element in the offence of defamation. That is the whole difference. Sir, I do not understand why my friend Sir Abdur Rahim does not see this point. In the offence of defamation that is not

Sir Abdur Rahim: That only makes our position stronger.

The Honourable Sir Brojendra Mitter: Stronger or weaker, I am explaining the position. The opinion of the Governor General in Council merely removes the bar to a person not aggrieved going to a Court, and that is a safeguard. And then, once the bar is removed, it is a plain sailing case of defamation; if there is a good defence like *bona fide* criticism, justification, public interest

Khan Bahadur H. M. Wilayatullah: Will it be open to the defence to say that he did not intend to prejudice the relations between India and the foreign Ruler?

The Honourable Sir Brojendra Mitter: That is not in issue at all. The only issues in the case will be these—is this statement defamatory to X—the Ruler of a foreign State? That is issue No. 1; issue No. 2, did the accused person publish that defamatory statement; and issue No. 3 will be, did the accused person publish that statement with intention to lower X in the estimation of the public or did he have knowledge that such statement was likely to lower X in the estimation of the public? These will be the three issues, and as regards the mutual relations, that is quite outside the scope of the Court.

Mr. Jehangir K. Munshi: Mr. President, as I have understood the Honourable the Law Member, the Government of India only wish to make it easier by this Bill for a foreign Ruler to have a remedy for defamation, and instead of making it obligatory on a foreign Ruler to file a complaint in the ordinary course, the Government of India would act as the agency for a foreign Ruler to file complaints for defamation. Well, if that is so, may I inquire of the Honourable the Law Member, so far as he is concerned, whether he has any objection to the amendment of clause 2 by

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the deletion of the words "and in the opinion of the Governor General in Council the maintenance of friendly relations between His Majesty's Government and the Government of such State may thereby be prejudiced"?

The Honourable Sir Brojendra Mitter: Not in the least. That is for the protection of the accused.

Mr. Jehangir K. Munshi: May I inquire of Sir Lancelot Graham whether he has any objection to the deletion of these words?

Sir Lancelot Graham: I think, Sir, that question should be addressed to the Honourable Member in charge of the Bill.

Mr. Jehangir K. Munshi: Before I ask the Foreign Secretary, may I inquire whether Sir Lancelot Graham has any objection to the deletion of these words from clause 2?

Sir Lancelot Graham: Personally, Sir, I shall have no objection.

Mr. Jehangir K. Munshi: Then may I inquire of the Honourable the Foreign Secretary whether he has any objection to these words being deleted from clause 2?

Sir Evelyn Howell: I must be guided by the advice of legal experts.

Sir Lancelot Graham: Personally, I have no objection, but it is a safeguard for the protection of the accused.

Mr. Jehangir K. Munshi: If the Opposition does not want to have this safeguard for the protection of the accused, as the Law Member described it, would the Government of India have any objection to the deletion of these words from clause 2? I have not been able to catch Sir Evelyn Howell's reply.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): They are agreeable. What are the words you want to delete?

Mr. Jehangir K. Munshi:

"And in the opinion of the Governor General in Council the maintenance of friendly relations between His Majesty's Government and the Government of such State may thereby be prejudiced."

Sir Evelyn Howell: Did my friend not catch what I said? I said that in the matter of the wording of the clause, I am necessarily guided by the opinion of the Honourable the Law Member.

The Honourable Sir Brojendra Mitter: That is merely for the protection of the accused. We are assuming a power, that is to say, to launch a prosecution for somebody else. Now, it is in the interest of the subject that there should be some safeguard, that we may not prosecute arbitrarily; we must come to the opinion that a certain writing is prejudicial to friendly relation.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): No arguments can be advanced. The Honourable Member can either answer the question that has been asked, or refuse to do so. The question which has been asked is whether Government are prepared to agree to the deletion of certain words, and the Honourable Member can say in reply whether he agrees or does not agree.

The Honourable Sir Brojendra Mitter: I have objection, Sir, because those words are in the interest of the accused person.

Mr. Jehangir K. Munshi: If we assume that the Opposition Benches are of the same view which I hold that this part of the clause should be deleted, would the Government of India agree to delete. . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member is keeping on asking the same question over and over again. The Honourable Member has got replies from three Members of the Treasury Benches. Will the Honourable Member proceed with his observations on the assumption that the Government are not prepared to agree to the omission of those words.

Mr. Jehangir K. Munshi: Mr. President, in view of this last reply, I must press the contention that the existence of this particular part of the clause is objectionable, and if the Opposition Benches are anxious that this particular part should be deleted from the clause, why should the Government of India be so anxious to protect the accused?

Mr. President: I should like to ask the Honourable Member how long he is likely to take.

Mr. Jehangir K. Munshi: Another 20 minutes, Sir.

Mr. President: The House will now adjourn till 2-20 P.M.

The Assembly then adjourned for Lunch Till Twenty Minutes Past Two of the Clock.

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

Mr. Jehangir K. Munshi: Mr. President, in the course of the debate this morning, before we adjourned for Lunch, it was contended by the Honourable the Law Member and by my Honourable friend Sir Lancelot Graham that the object of the Government of India, in attempting to enact this Bill, is to afford facility to certain foreign Rulers to file a complaint for defamation, pure and simple, an offence punishable under Chapter XXI of the Indian Penal Code, and to create an agency for filing and prosecuting such complaints on behalf of certain foreign Rulers in a Court in British India: and it was further strenuously contended that once the complaint is filed by an officer authorised by the Governor General in Council, it will be purely a question of whether an offence has or has

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not been committed under Chapter XXI of the Indian Penal Code. My Honourable friend Sir Lancelot Graham says "Yes". But in spite of that, we have been faced with another amazing aspect of the Government's position when the Law Member said that the object of retaining those words, the deletion of which I suggest, is to protect the accused, and that these words have been inserted in the interest of the accused. I do not know if the Honourable the Law Member will persevere in this contention after further reflection, but if that is the only object, then I think there should be no difficulty on the part of Government to agree to the omission of that part of the clause. I will proceed to show to the House how the insertion of these words, or the deletion of these words, will react on the accused. If the object of the Government of India was only to enable a complaint to be filed and prosecuted without the foreign Ruler being present, that object could have been achieved by the addition of a further proviso to section 198 of the Criminal Procedure Code. My Honourable friend Sir Lancelot Graham has had wide and varied experience in the Legislative Department; and if that was the only object of the Government of India, he would have drafted and placed before this House a Bill to enlarge this proviso to section 198 of the Criminal Procedure Code; but he has not done so because that was not the object. But whatever the object of the Government of India may be, we have got to discuss this measure in the light of the effect it is likely to have on the interests of the accused for whom the Honourable the Law Member has expressed so much solicitude. (Laughter and Cheers.)

It has been made clear by Sir Lancelot Graham and also by the Honourable the Law Member that the Court which proceeds to deal with this complaint shall presume that the maintenance of friendly relations between His Majesty's Government and the Government of such State might thereby be prejudiced. Government are asking the Court to make an irrebuttable presumption.

Sir Lancelot Graham: No.

Mr. Jehangir K. Munshi: I repeat that by this clause as it is worded in my Honourable friend Sir Evelyn Howell's amendment the Court is bound to presume that that particular publication is likely to prejudice the relations of His Majesty's Government with the foreign Government. Sir Lancelot Graham shakes his head and says it is not so. I will now refer him to another amendment tabled by the Foreign Secretary, amendment No. 22: It reads as follows:

"That in clause 3, as renumbered, for the words 'in respect of which any person is punishable under section 2' the words 'which is defamatory of a Ruler of a State outside but adjoining India, or of any member of the family or of any Minister of such Ruler and tends to prejudice the maintenance of friendly relations between His Majesty's Government and the Government to such State' be substituted."

I do not know if Sir Lancelot Graham still adheres to his contention that this factor will not be brought before the Court. Now, Sir, if the Court has got to presume—it is an irrebuttable presumption—that the accused has already committed an act, the effect of which is to tend to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of a Foreign State, then a very important question arises, what happens to the *Exceptions* to section 499 of the Indian Penal

Code? I will ask the House to bear in mind clearly that by this enactment the Court is definitely bound down to this irrebuttable presumption. Now, let us examine the exceptions and see how they affect the interests of the accused. I do not propose to take the House through all the exceptions. I shall take only three exceptions and confine my observations to them. The first *Exception* to section 499 of the Indian Penal Code reads as follows:

"It is not defamation to impute anything which is true concerning any person, if it be for the public good that the imputation should be made or published. Whether or not it is for the public good is a question of fact."

Now, I ask the House to imagine the position of the unfortunate accused. If the accused pleads that it is for the public good, the Court has to decide as a question of fact whether that particular publication is or is not for the public good. How is the Court going to decide this question of fact when it is also bound to presume, a presumption which is irrebuttable, that the publication tends to create unfriendly relations between the two Governments? It would be very difficult for the counsel appearing for the accused to contend, that although the publication may strain the relations between the two Governments and lead to war between the two countries, it is for the public good. I do hope that my Honourable friend Sir Lancelot Graham will give further reflection to this aspect of the matter. I now come to the third *Exception*; it reads as follows:

"It is not defamation to express in good faith any opinion whatever respecting the conduct of any person touching any public question, and respecting his character, so far as his character appears in that conduct, and no further."

Now as regards the question of "good faith", it will be very difficult for the accused to contend successfully that the expression was in good faith when the irrebuttable presumption is that he has expressed and published something with intent to create unfriendly relations between His Majesty's Government and the Foreign State concerned.

Then we come to the last *Exception*—the 10th *Exception*, which reads as follows:

"It is not defamation to convey a caution, in good faith, to one person against another, provided that such caution be intended for the good of the person to whom it is conveyed, or of some person in whom that person is interested, or for the public good."

Now some of my Honourable Muslim friends sitting on my right have expressed grave apprehensions that occasions may arise when Muslims in this country may have to sound a note of warning to the Muslim population in this country and also to the Muslim population in a neighbouring State that a particular action taken or contemplated by a foreign Ruler offends or would offend the tenets of Islam or the best interests of Islam. Such opinion of caution would be for the public good so far as Islam is concerned, but how can the accused successfully seek the protection of this exception, if the court is bound to hold as an irrebuttable presumption, that although it is for the public good of Islam and of Mussalmans, nevertheless it tends to create unfriendly relations between His Majesty's Government and the Government of the foreign Ruler. (Hear, hear.)

Mr. President, this Bill does create a new offence, and it is idle to pretend otherwise. If it is purely a question of making it simple for the foreign Ruler to file a complaint for defamation pure and simple, then

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there is no necessity for these words in clause 2. The simplest course would be to enlarge the proviso to section 198 of the Criminal Procedure Code. But it will be contended that it cannot be done this session. Even if that is so, there is no difficulty in the way of the Government of India agreeing to delete these particular words from clause 2; and I have the authority of my Honourable friend, Sir Abdur Rahim, the Leader of the Independent Party, to inform the Government of India that if they would agree to delete these particular words from clause 2, which I have already read out to the House, then the Independent Party would have no objection to clause 2 being passed after such deletion. Now, Sir, if the Opposition in this House is concerned over this Bill, because serious restrictions are sought to be imposed on the liberty of the Press and on the liberty of the subject, and if the Opposition would not only welcome but desires that these words should be omitted from clause 2, then surely it is not for the Government of India to persist in their present attitude. (Hear, hear.) I think, Sir, the Opposition in this House, which consists of a number of lawyers drawn practically from every province, can be trusted to safeguard the interests of the accused more than the Treasury Benches. Then, Sir, if it is not a new offence, why is there a new punishment?

In the Bill as it has emerged from the Select Committee, clause 4 provides as follows:

"The provisions of sections 99 A to 99 G of the Code of Criminal Procedure, 1898, and of sections 27-B to 27-D of the Indian Post Office Act, 1898, shall apply in the case of any book, newspaper or other document containing matter in respect of which any person is punishable under section 2, in like manner as they apply in the case of a book, newspaper or document containing seditious matter within the meaning of those sections."

I submit, Sir, that the insertion of this clause creates an additional punishment and imposes additional penalties for this offence; and there can be no doubt that this Bill creates a new offence and provides for a new punishment. Here is the acid test by which the Government of India will be judged, namely, their attitude towards my suggestion which has the support of the Opposition Benches and more particularly of the Independent Party, that these particular words should be deleted and the offence should be kept purely and simply an offence of defamation under section 499 of the Indian Penal Code, with the punishment provided in Chapter XXI of the Indian Penal Code; and there should be no other ingredient or punishment or penalties in this Bill. (Applause.)

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, in this discussion not only religious matters are involved but political matters as well. It is to be remembered that Muslim interests, in so far as the declaration of the Khalifa or likewise is concerned, are bound to be involved in this discussion; and it has been shown that if any Ruler of a foreign State declares himself to be the Khalifa, or if any matter of a religious shrine arises in any of the foreign countries, then both on religious and political grounds the Mussalmans of India are bound to write something or to speak something or to hold meetings. So I do not see where is the reason why Government do not insert any exception in the present Bill for those matters, just as exceptions and explanations are inserted in section 499

of the Criminal Procedure Code. I see at any rate no force in the argument advanced by the Government that section 499—exceptions will be quite enough for those purposes; and I am bound to state that only political questions have necessitated the enactment which is at present before us. The affairs in the Hejaz and other Muslim countries have in fact been the cause of bringing in this Bill before the Legislature. Sir, we also find that the Government of India are very solicitous for saving the thin skin of foreign people, but they are quite oblivious of the fact that the thin skin of their own subjects is being affected. Sir, the money that will be spent out of the Indian exchequer on the prosecution of Indian themselves for the sake of the relations with the foreigners, will not be in any way compensated by the foreign Rulers. My submission is where is the necessity in these days of retrenchment for the undertaking of such expensive obligations by our Government for the sake of foreigners? Are not the Government aware that such litigation might involve the expenditure of hundreds and thousands of rupees of Government money? Government should not think that people will not defend themselves or newspapers will not come forward to save their own honour if they write something about foreign Rulers. I do not think that the question of friendly relations is so much involved in this Bill as is the question of suppression and gagging of the Press. Sir, the change that we find in the present Bill before us and in the present clause is not only of words. The change of words from "a member" to "any member" has made the scope of the section rather wider. At the same time, the word "intent" was formerly in the clause but now it has been removed and the word "prejudice" alone has been kept in, besides other minor changes, and the way in which the whole clause has been put, shows that from the very beginning the Bill was not very considerably drafted. Sir, the Government of India have been given wide powers under this Bill, and although one cannot say that they will be misused, there is at least a likelihood of their being misused. The Magistrates at present, when they receive any case from the District Magistrate or from the High Court, consider themselves in their heart of hearts to be bound to presume against the accused, and the presumption there is that that is the intention of the Government. So, when this thing goes from the Governor General in Council, the Magistrates, though they may be quite honest people, will pay more attention to such presumptions against the accused. With these remarks, Sir, I oppose the motion.

Sir Abdur Rahim: Mr. President, if I may be permitted by the House, I wish to move the following amendment:

"That the words 'and, in the opinion of the Governor General in Council, the maintenance of friendly relations between His Majesty's Government and the Government of such State may thereby be prejudiced' be omitted."

Mr. Munshi has given reasons in support of this amendment and if I may be permitted

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Honourable Member has already spoken. He now wishes to move an amendment. The Chair has no objection to his doing so if the House is agreeable. I take it that the House agrees to allow the Honourable Member to move his amendment. (Voices: "Yes.") The Honourable Member may move it.

Sir Abdur Rahim: I move the amendment that I have already read out to the House.

Sir Evelyn Howell: Sir, on behalf of Government I accept the amendment.

Mr. President: It is on that assumption that I am proceeding. The House would not have been unanimous if Government had objected to the amendment. The amendment to the amendment is now before the House.

(No Member got up to speak.)

Mr. President: The question is that the following words be omitted from the amendment moved by Sir Evelyn Howell:

"and, in the opinion of the Governor General in Council, the maintenance of friendly relations between His Majesty's Government and the Government of such State may thereby be prejudiced."

The motion was adopted.

Mr. President: Sir Evelyn Howell's amendment, as amended, is now before the House.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, my amendment may also be allowed.

Mr. President: It will come in due course.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, it is too late in the day for me to rise to associate myself with the observations made by the Leader of the Independent Party in regard to the objection that had been made by him to this amendment of the Government. We are glad that the Government have agreed to delete those words which the Honourable the Leader of the Independent Party put before the House. By so doing, I am glad that the Government have agreed to omit the passage which the Honourable gentlemen on this side of the House thought to be not in the interests of the accused. With these few words, I resume my seat.

Mr. President: The question is that for clause 2 the following be substituted:

"2. Where an offence falling under Chapter XXI of the Indian Penal Code is committed against a Ruler of a State outside but adjoining India, or against any member of the family or against any Minister of such Ruler, the Governor General in Council may make, or authorise any person to make, a complaint in writing of such offence, and, notwithstanding anything contained in section 198 of the Code of Criminal Procedure, 1898, any Court competent in other respects to take cognizance of such offence may take cognizance thereof on such complaint."

Sir Abdur Rahim: May I rise to a point of order. There is an amendment standing in the name of Mr. Maswood Ahmad for omitting the words "or against a member of the family".

Mr. President: Those amendments will follow. The Chair intends to explain the procedure which it proposes to adopt after this amendment has been disposed of.

The question is that the amendment which I have just read be adopted.

The motion was adopted.

Mr. President: The next amendment stands in the name of Mr. Anklesaria.

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadan Rural): Sir, I do not want to move my amendment.†

Mr. President (The Honourable Sir Ibrahim Rahimtoola): That brings the question of the various amendments which appear on the Order Paper. When this clause was being debated, the Chair recognised that if the amendment was carried, it might prejudice the moving of certain amendments of which notice had been given to the original clause.

The Chair came to the conclusion that it would not be fair to disallow all those amendments on the ground that the original clause had been rejected by the House, and another substituted for it. The Chair decided that all amendments which are relevant to the wording of the amended clause should be allowed to be moved. Following that decision, the Chair proposes to call upon all those Honourable Members who have given notice of amendments for alteration of words which are common to both clauses.

The first amendment that stands on the Order Paper is that from Mr. Maswood Ahmad who proposes that "In clause 2 the words 'or against a member of the family' be omitted." Does the Honourable Member wish to move it?

Mr. M. Maswood Ahmad: No, I do not want to move that amendment.

Sir, I beg to move the following amendment:

"That in clause 2 of the Bill as amended for the words 'any member of the family or against any', the words 'the consort or the son or the principal' be substituted."

In my opinion the scope of clause 2 has not been so much narrowed down as we would have expected it to have been. Rather the scope of the Bill has been widened by the Select Committee, as the Bill stands especially after the amendment moved by my Honourable friend Sir Evelyn Howell. When the Bill was introduced, there was absolutely no idea of protecting the Members of the family of a Ruler. It cannot be denied that since the Simla Session when the Bill was introduced by my Honourable friend Sir Evelyn Howell, nothing new has developed. Since then no prosecution has been made, nothing has appeared in the Press about any State or any Ruler or any member of the family or any Minister. Amongst the opinions received, there is no mention of the members of the family, because this question was not before us at that time. When this was the situation, there was no justification for the Select Committee to add this word in this Bill. My second point is this, the words make the scope of the Bill very wide. Cousins up to eighth or ninth degree can be members of a family. My third point is that it will be very difficult for any Secretary of Government to certify who is a member of the family of a Ruler or who is not and it is very difficult for any office to keep a list of the members of the family of any Ruler.

†That for clause 2 the following be substituted:

"2. Whoever commits any offence punishable under Chapter XXI of the Indian Penal Code against a Ruler of a State outside or adjoining India or against a member of the family or against a Minister of such Ruler, with intent to endanger the maintenance of friendly relations between His Majesty's Government and the Government of such State or whereby the maintenance of such relations is likely to be endangered shall be punishable with imprisonment of either description which may extend to two years or with fine or with both."

Mr. Gaya Prasad Singh: What about consorts? There may be more than one in an Eastern country.

Mr. M. Maswood Ahmad: Mr. President, consorts cannot be more than one. There are many objections to leaving in the word "Minister" without any qualifying words before it. In view of these facts, I move my amendment. I appeal to the Honourable Member in charge of the Bill to consider these points and to accept my amendment. I appeal to the representatives of the public that, if we cannot save ourselves the stigma of passing such a drastic measure, we should try to decrease its hardship as much as we can. The amended clause would read:

"Where an offence falling under Chapter XXI of the Indian Penal Code is committed against a Ruler of a State outside but adjoining India, or against the consort or the son or the principal Minister of such Ruler....."

Before finishing my speech I want to say that we are very sorry that some irresponsible papers in India should have written irresponsible articles against the Rulers of the neighbouring States which we do not appreciate but rather condemn. We have every sympathy with those States, and we do not want to create any trouble in those States. We want to live in friendly relations with Persia, Afghanistan and other neighbouring States, and we will be very glad to see these countries prosperous. With these words, I move my amendment.

Sir Evelyn Howell: On behalf of Government, I accept the amendment.

Mr. President: The question is:

"That in clause 2 of the Bill as amended, for the words 'any member of the family or against any', the words 'the consort or the son or the principal' be substituted."

The motion was adopted.

Mr. Muhammad Yamin Khan: Sir, I beg to move:

"That after clause 2 the following Explanation be added:

Explanation:—

For the purposes of this Act, Aden is not included in India."

As Honourable Members are aware when the Honourable the Foreign Secretary was moving his Bill for consideration in his speech, he mentioned the States adjoining India and he gave a list of those States, but he did not mention any State which adjoins Aden. This was practically ignored in the Committee and that was the only thing which was not taken into consideration. Therefore I move this amendment.

Sir Evelyn Howell: On behalf of Government, I accept the amendment.

Mr. President: The question is:

"That after clause 2 the following Explanation be added:

Explanation:—

For the purposes of this Act, Aden is not included in India."

The motion was adopted.

Mr. President: The question is that clause 2, as amended, stand part of the Bill.

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. President: The question is that clause 3 stand part of the Bill.

Sir Evelyn Howell: Sir, I beg to move:

"That clause 3 be omitted and clauses 4 and 5 be renumbered as clauses 3 and 4, respectively."

Sir, there are two parts of clause 3 in the Bill as reported by the Select Committee. The first part of it lays down that no court inferior to that of a Presidency Magistrate or a Magistrate of the First class shall proceed with the trial of any offence under clause 2, and the second part 3 P.M. that no court shall proceed to the trial of any such offence except on complaint made by or under authority from the Governor General in Council. I submit that the first part of this clause has become superfluous, because that is already provided for in dealing with the offence of defamation, in which it is already provided in the Criminal Procedure Code that no court inferior to the status named shall try the offence of defamation. That part of the section therefore is otiose and may be removed.

With regard to the second part, if you will turn to clause 2 as amended, you will see that the Governor General may make or authorise any person to make, a complaint in writing of such offence notwithstanding anything provided in section 198 of the Code of Criminal Procedure, and that amply provides for the object which it was intended to secure in the form of the Bill as approved by the Select Committee. The net result is that the whole clause may drop out as not required in the Bill.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): On a point of order; if we accept this amendment, then all the amendments to clause 3 will fall?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Of course; if the clause is omitted, how can the amendments stand? You cannot amend an omitted clause. If no Honourable member wishes to address the House on this amendment, I shall put the question. The question is:

"That clause 3 be omitted and clauses 4 and 5 be renumbered as clauses 3 and 4 respectively."

The motion was adopted.

Mr. President: The question is that clause 4 stand part of the Bill as clause 3.

Sir Evelyn Howell: Sir, I rise to move the amendment which stands in my name and which runs as follows:

"That in clause 3, as re-numbered, for the words 'in respect of which any person is punishable under section 2' the words 'which is defamatory of a Ruler of a State outside but adjoining India, or of any member of the family or of any Minister of such Ruler and tends to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State' be substituted."

The original intention as regards this amendment . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Will it not be better if the Honourable Member moves this amendment on the same lines as amended clause 2? I will allow him, if he so desires some time to frame an amendment in view of the amended clause 2.

Sir Lancelot Graham: I do not really see any trouble in it, Sir. If these words "tends to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State" remain, it is certainly in the interests of the publishers of these papers that they should remain. These are proceedings which will eventually come before the High Court and have nothing to do with prosecution for defamation under 499; they are proceedings under the Criminal Procedure Code which begin with section 99A.

Mr. President: If the Honourable Member wishes to adhere to the wording he will explain why he wishes to do so.

Sir Lancelot Graham: The position is slightly complicated; but really we ought to move this amendment in the interests of publishers of papers; we do not wish to have these papers confiscated merely because they contain a libel.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member can move the amendment and explain why, while in clause 2 the words "any member of the family" and "Minister" have been modified, they should stand in their original form in this clause. The Honourable Member can move the amendment and explain that position and the Honourable Member Sir Lancelot Graham can, when he gets his chance, further supplement that explanation.

Sir Evelyn Howell: I move the amendment in the form in which it stands and when the further amendments which Mr. Maswood Ahmad and others have proposed in the matter come to be moved, we propose on behalf of the Government to accept them.

Mr. M. Maswood Ahmad: Sir, the consequential amendment here will also have to be made, that the words "any member of the family or against any" be omitted, and the words "the consort or son or the principal" be substituted. With your permission, Sir, I move this amendment to the amendment.

Mr. President: I allow the Honourable Member to do so. Both the amendments are now before the House.

Mr. Jehangir K. Munshi: Mr. President, the object of the Opposition will not be served if an attempt is made to retain these particular words and the principle underlying them in any part of the Bill. We have, I take it by common consent in the House, deleted from clause 2 all reference to foreign relations; and I do object to these words being retained in any part of the Bill, because they would cause serious prejudice to the accused; and our object will not be fully served if this clause 3 as framed by the Foreign Secretary is retained in the Bill. Apart from that I hope Government will be consistent in their attitude with regard to the subsequent clauses as they have consented to amend clause 2 in the manner desired by the Opposition Benches. Furthermore, Sir, I oppose this clause entirely, because the position of Government is that they are only making the offence of defamation punishable as such, by making it simpler for a foreign Ruler or his consort or his principal Minister to file

a complaint through the Government of India under the procedure laid down in clause 2 of this Bill. Why then provide for further penalties? The accused in a case where the complaint is launched on behalf of a foreign Ruler should have the same rights and should be subjected to the same punishment or penalties as he would on a complaint of defamation filed by an ordinary individual; and if Government insist on introducing these further penalties in the Bill they would be attempting to put a foreign Ruler or his consort or his Minister in a higher position in a case of defamation than an ordinary British subject in this country. (Applause.)

Sir Lancelot Graham: May I understand the Honourable Member to make an amendment? Would he please read out the words of his amendment?

Mr. Jehangir K. Munshi: I oppose the whole clause, Sir.

Mr. Muhammad Yamin Khan: Sir, in view of the fact that clause 2 has been substantially amended, the last words in the proposed amendment, "tends to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State" should be omitted.

Sir Lancelot Graham: On behalf of Government, I am authorised to say that we accept the amendment. If Honourable Members want to take out those words we have no objection. But we do not agree to the whole clause going out. If Honourable Members want to move that the words "and tends to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State" should be omitted, we do not object. If the House is happier by that amendment being made, we have no objection, Sir.

Mr. Muhammad Yamin Khan: I move that amendment, Sir.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): It appears to the Chair that a substantial change has taken place in the Bill, and instead of trying to amend clauses on the floor of the House the best plan would be that the Chair should postpone the consideration of this Bill till tomorrow. In the meantime those Honourable Members who are taking an active interest in the re-drafting of these clauses should meet Members of Government and bring before the House considered clauses tomorrow. In the meantime, I can call upon the Honourable Sir George Rainy to move his motion for the consideration of the Sugar Protection Bill. I think that will save the time of the House. I take it that the House agrees to this procedure. (*Several Honourable Members from all sides of the House:* "Yes, Yes.") Very well, then the further consideration of this Bill is postponed till tomorrow.

THE SUGAR INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move that the Bill to provide for the fostering and development of the sugar industry in British India, as reported by the Select Committee, be taken into consideration. I have been waiting from day to day and wondering when the opportunity would come for me to move this motion, but until about five minutes ago it did not occur to me as possible that this Bill would be taken up this afternoon.

[Sir George Rainy.]

I propose to speak briefly on this motion, Sir, because notices of a number of amendments have been given by Honourable Members. They are all on ancillary points and do not affect the general principle of the Bill, and, when they are moved, I shall have an opportunity of speaking on them at length. At this stage, in moving for the consideration of the Bill as reported by the Select Committee, it will, I think, suffice if I endeavour to explain to the House the changes in the Bill as introduced which have actually been made by the Select Committee. In the first place, certain amendments have been made in the Preamble and in clause 3. As the House will remember, the Tariff Board originally proposed that a protective duty of Rs. 7-4-0 a cwt. should be imposed for 7 years and that thereafter for a further period of 8 years, making 15 years in all, the duty should be one rupee less, that is to say, Rs. 6-4-0 a cwt. The Government of India did not see their way to accept the recommendation of the Tariff Board as it stood, because of the practical difficulty they felt in determining, six years in advance, the rate of duty which would be appropriate and sufficient to give protection from the year 1938 onwards. They therefore limited the proposals in the Bill to the imposition of the duty of Rs. 7-4-0 a cwt. for the first seven years, but provided for a statutory inquiry before the expiry of that period, in order that at the proper time the rate of duty should be ascertained. The general feeling in the Select Committee was, I think, that something more than that was necessary. The Committee was not completely unanimous, but there were a considerable number of Members who felt that it was desirable to give the industry an assurance of protection for a longer period than seven years, and after a considerable amount of discussion, the plan embodied in the Bill, as now reported by the Select Committee, was adopted. What we have done is this. We have included in the Preamble of the Bill a declaration that the sugar industry would be protected up to the 31st day of March, 1946. The words are, "Whereas it is expedient"—here I omit certain words—"to provide for the fostering and development of the sugar industry for a period ending with the 31st day of March, 1946 by determining the extent of the protection to be conferred up to the 31st day of March, 1938 and by making provision for the determination of the extent of the protection to be conferred for the remainder of the period". The amendment in clause 3 amounts to this, that instead of merely providing that an inquiry should be held, a completely open inquiry as to whether protection is still necessary or not, the Bill now provides that the object of the inquiry shall be to ascertain if the protection to the sugar industry during the period from 31st March, 1938 to the 31st day of March, 1946, should be continued to the extent conferred by this Act or to a greater or lesser extent; that is to say, in the inquiry of 1937 the Tariff Board will not have to consider whether protection is needed or not, but it merely will have to decide what is the amount of the protection required. That is the first important change made by the Select Committee in the Bill.

The second change to which I should like to refer is the new clause 4. It was felt by the Members of the Select Committee that, in order to provide against the risk of sugar being imported into India at prices which would impair the protection intended to be given, the Governor General in Council should have powers to impose additional duties. The reason why a clause of this kind did not find a place in the Bill as introduced

was mainly this. I have always felt that this power of imposing by executive action additional duties is a power which it is difficult to exercise wisely, and which, on the whole, as a Member of Government I would rather be without. Therefore, I have never cared to put forward a demand before the House that the executive Government should be invested with those powers. But if the feeling in the House generally is that it is desirable that the Government should have these powers—and that it is clearly the feeling in the Select Committee—then the Government are ready to accede to the general wish, but they prefer that the power should be conferred upon them by the House rather than that they should come to the House and themselves ask for it. In the report of the Select Committee there is a sentence which says:

"We consider that whenever the Governor General in Council exercises the power conferred by this clause, he should, as soon as possible thereafter, give the Legislature an opportunity to consider his action."

That is entirely in accordance with the Government view of what is right and proper, and on the single occasion on which we have exercised such a power, that is the procedure which we have followed, and I have not the least doubt that that will be the practice which will invariably be followed.

Another small change made is this. In the interests of the growers of sugar-cane, power should be given to require sugar factories—that is what the Tariff Board thought—to post notices specifying such matters in connection with the rates being paid at the factories for sugar-cane as may be considered necessary. For that reason, the Select Committee have inserted a clause giving the Local Governments power to make rules to give effect to this recommendation. Government have always felt some little doubt as to the effectiveness of this measure, but they also felt that this was not a matter in which they should oppose their own view to the view of the members of the Select Committee because they recognise how important it is that, if the industry is to be protected, such steps as are practicable should be taken to ensure that the cultivator receives a fair price for his sugar-cane.

These are the only changes in the Bill to which I think I need refer. But there is another paragraph of the report of the Select Committee on which I might say something. The Committee considered at some length the question of the provision of funds for research. The Tariff Board's recommendation was that a sum of Rs. 10 lakhs a year should be placed at the disposal of the Imperial Council of Agricultural Research, and the Select Committee considered whether statutory provision ought to be made for making such a grant. In view however of the many difficulties involved in making a statutory provision of this nature, they preferred to recommend that the Government should guarantee the grant to the Council annually of sufficient funds, to the extent recommended by the Tariff Board, to enable the Council to carry out all schemes of research which have been or may be finally approved. I understand that the present position is this. The Imperial Council of Agricultural Research are in a position, from funds already at their disposal, to finance the schemes to which they are already committed. The figure of Rs. 10 lakhs a year is not one which can be immediately attained, but only by a series of stages, and it is not until some time after the schemes have begun to be initiated that the maximum figure is reached. But although the Council of Agricultural Research have sufficient funds at their disposal to carry on up

[Sir George Rainy.]

till the 31st March, 1933, I gather they would have to curtail their operations to some extent if further funds were not placed at their disposal then. What I should like to say on behalf of the Government is this. They attach very great importance in connection with sugar to adequate facilities for research as a means of developing the industry. They entirely agree with the view expressed by the Select Committee that without such measures the whole purpose of the protection scheme is likely to be delayed, if not defeated, and they anticipate that it will be possible next year and in future years to make provision which will enable the Council to carry out the approved schemes. That is certainly their intention. Naturally of course, an absolutely binding pledge cannot be given because nobody knows what the financial situation is going to be, but sugar research is one of the things on which Government would be very reluctant to curtail expenditure, because they agree with the Select Committee that, if we are to protect the industry at all, it is very important that the research side should be fully developed. I thought it right to explain the attitude of the Government on this important matter.

That, Sir, I think concludes all that I need say in moving this motion, and for that reason I will bring my remarks to an end.

Mr. B. Das (Orissa Division: Non-Muhammadan): I rise to support the motion moved by my Honourable friend the Leader of the House. Sir, for many, many years he will be remembered as a great protagonist of protection. As President of the Indian Tariff Board, he inaugurated a report whereby protection was given to steel, and he is ending his career by giving protection to sugar. I do not know whether the successor of my Honourable friend—we understand Sir Joseph Bhore is going to be his successor—will be allowed to introduce a number of protective schemes for Indian industries, as was the good luck of my Honourable friend Sir George Rainy. That has yet to be seen, but there have been ominous clouds.

The Consultative Committee, where I know for a fact that the Indian industries and Indian commerce were not represented, have come to a decision

Mr. N. M. Joshi (Nominated Non-Official): Why was not the representative there?

Mr. B. Das: My Honourable friend Mr. Joshi knows why the representative of the Federation of Indian Chambers of Commerce and Industry was not there. . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Chair overlooked the fact that there is an amendment for postponement, which must take precedence.

Mr. E. F. Sykes (Bombay: European): Sir, I move that the consideration of the Bill be postponed to the September Session.

As there is no need for preliminaries in a matter of this kind, I shall proceed straight with the reasons why I want this Bill to be postponed to the September Session. One is the very familiar argument that Government are bringing forward important legislation at the fag end of the session before a tired and depleted House.

The Honourable Sir George Rainy: I should like to point out that I introduced this Bill at the beginning of the session.

Mr. E. F. Sykes: Sir, I will not argue with the Honourable the Leader of the House. I will alter my expression and say "continuing legislation".

This legislation, as indicated by the Honourable the Leader of the House, was initiated somewhat early in the session. The report of the Tariff Board, on which this Bill is based, was published about the time of the Budget last year. Session after session passed and no Bill was brought forward. On the 30th January the Government Resolution was issued and on the 3rd February the Bill was introduced and on the 4th February notice was given that on the 6th the Bill would be referred to a Select Committee. A good many Members attend this House at considerable inconvenience to themselves and have to make their arrangements to attend to their own affairs as best they can. Some of us had already fixed up our business for that day which we were unable to postpone and were not able to be present. I think, Sir, you will see that the opportunities for discussion of this Bill previous to this occasion were very small. In the case of a Bill which dealt with steel or galvanised wire or other factory product, this objection may not have much force because we would be dealing with industries that are moderately well organised and which have their regular organs of expression. This Bill, as you are aware, deals with the sugar industry, of which I may say the greater part consists of cane growers and *gur* makers. As everybody knows, there is no organisation whatever covering the whole of these two groups. Among cane growers there are one or two local associations, but of *gur* makers I have never heard of any association, although the *gur* industry deals with about 3 million tons. Now, Sir, can you imagine that it will be possible for anybody to collect the views of the *gur* makers between the 30th January and the 6th February? Indeed, Sir, I may ask whether it would be possible to collect it between the 30th January and the 30th of March. I myself have made some small effort in this direction. I have endeavoured to ascertain their opinion, I may say, with extraordinarily small success, and I advance this for the consideration of the House as the principal reason why the Bill should be postponed to the Simla Session. During the session Members of this House who naturally have opportunities for familiarising themselves with the Bill and the views of the industry are not in a position to move about to ascertain the opinion in the country. Between now and the September Session they will have these opportunities, and I am quite sure that every one will endeavour to ascertain how the Bill is viewed in the country and bring those opinions back to the House, if the Honourable the Leader of the House will allow it to be once more brought before this Assembly.

These are considerations extraneous to the substance of the Bill, but if the House will bear with me for a short time, I will go into the details of the Bill, and the House will find that there are matters in the Bill itself which call for very much greater consideration than they have had so far. The first occasion I came to this House was the occasion when the first Protection Bill was introduced, that is in June 1924. I have since seen all the protection Bills that have been brought forward, and I have studied them with special diligence. The earlier reports of the Tariff Board were of great interest to us. The subject was new to us and we took a great deal of trouble to understand the aims of the Tariff Board and the policy of the Government which was founded on it. There is one feature in this Bill which distinguishes it from all the other Bills that have been brought forward to protect industry in this country. In

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all the other Bills the fair selling price has been ascertained by reference to actual conditions and the amount of protection has been determined accordingly and in subsequent Bills,—I refer particularly to the steel industry,—when it has been found that improvements in management or changes in price of materials have made it possible to manufacture the article at lesser cost, the protection granted has been correspondingly reduced. In fact I have heard one frivolous person remark that when we have finished with the steel industry, we should have trained it to live on a straw a day. That merely shows that the Tariff Board in those days were very anxious that no expense should be caused to the consumer in excess of what was necessary to give the required protection to the industry. Sir, you will have noticed in this Bill and in the report on which this Bill is founded that the fair selling price of refined sugar is determined not by the costs which are demonstrably being incurred by the industry, at the present time but on a purely hypothetical basis. You will have noticed that in the chapter dealing with the fair selling price, the report first of all proceeds to ascertain the fair selling price of cane and they do so by an elaborate detail of costs. Those Members of this House who are familiar with agricultural costs will I think agree with me that this method is full of pitfalls. Only the other day I was reading the Report of the Central Cotton Committee, and found that the latter have been very anxious to ascertain the cost of production of different cottons in different areas but in their report they stated that they did not consider it possible to ascertain the cost of production of cotton separately from the other costs of those crops which would usually be cultivated in the same rotation with them.

Nevertheless the Tariff Board proceeded with the estimation of the details of cost and arrived at the figure of 8 annas per maund as the fair selling price of sugar cane, and from this they formally determined the fair selling price of manufactured sugar. But this inquiry was made I think in the year 1929, and in those two years the most prodigious changes have come over not only industry but agriculture; in fact the changes in agriculture have been more cataclysmic. As a consequence, what was considered to be a disastrous price for *gur*, namely, Rs. 5 per maund, would now be considered a very excellent one; and *gur* has been quoted during the last two months in Delhi at Rs. 3-4-0 a maund. In the previous year I think the price was rather lower, and no one concerned with the industry has the least hope that in the immediate future we are likely to see any higher price. This price of Rs. 3/4 in Delhi for *gur* has this interest that, calculating in the manner adopted by the Tariff Board and which I have no quarrel with, it corresponds exactly to a price of 5 annas for cane delivered at the factory; and I have ascertained by inquiry from the Government, made two months ago in this House, that at the present time milling cane is delivered at factories at prices varying from 4 to 6 annas or, if we like to take a mean, we will say 5 annas. Now, Sir, one would expect that, being in possession of these factors, when the Government knew that since the Tariff Board reported such a great change came over the situation, the Government would consider that it was necessary for them to revise their figures and, in calculating the fair selling price of refined sugar, to adopt prices for delivery at the factory more or less corresponding to those which are obtaining and have obtained for considerable periods. But the figure that is given here in the Schedule—Rs. 7-4-0

per cwt.—is the same figure that on this hypothetical basis of 8 annas per maund for factory delivery of cane was arrived at by the Tariff Board. Now what the Tariff Board say is that you get 9 per cent. of sugar on cane. Those who have taken the trouble to study the subject will then see that, according to the Tariff Board's calculations, a reduction of price of 3 annas in cane will correspond to a reduction in price of refined sugar of Rs. 2-1-0; that is, assuming the manufacturing costs remain what they were estimated to be by the Tariff Board, which is a question for separate examination; and Rs. 2-1-0 per maund is as near as possible to Rs. 2-12-0 per cwt., so that this protection of Rs. 7-4-0 per cwt. is in excess by Rs. 2-12-0; and a Tariff Board of the days when the Honourable the Leader of the House presided over it would I am quite sure have said that the protection that was necessary for refined sugar at the present time was no more than Rs. 4-8-0.

Now, this is a matter of very considerable importance. It is very well-known that the high duty on sugar has raised the price so much that in combination with the great reduction in the resources of the people of the country it has reduced the consumption of sugar by a very large percentage. I am not in possession of the latest figures; no doubt the Honourable the Commerce Member would be able to supply them if necessary, but I hope my friends will at least admit that the consumption of sugar has fallen by something like 50 per cent. in the last two years. Now, Sir, the consumption of sugar is a very important factor in the health of the nation, and anything that tends to reduce it is to be looked at with very great jealousy. If the protection that is necessary for the refined sugar industry is only Rs. 4-8-0, then money is being put into the pockets of one section of the population and taken out of the pockets of another section of the population, to the detriment of their health. I would suggest therefore to the House that the amount of protection necessary for the sugar-producing industry has been greatly over-estimated and requires revision.

(At this stage Mr. President vacated the Chair, which was taken by Sir Abdur Rahim.)

Nor can it be said that any harm whatever would come to the industry from the postponement of this Bill, because in the Budget of 1931-32 provision was made for a duty of Rs. 7-4-0 per cwt., and the surcharge of 25 per cent. in the Supplementary Finance Bill of November 1931 applied also to sugar, so that at the present time the industry is getting a bigger protection than it will get when this Bill becomes operative by the removal of the surcharge. There are other matters for estimation in the Tariff Board's Report which will also call for attention. If you look at the calculations of the protection required at the end of the period of production, you will see that they only provide for an increase in recovery of sugar from 9 per cent. to 9-4 per cent. And yet they are estimating for an efficiency equal to that at present obtainable in Java, which is 85 per cent. So that this low percentage of recovery presupposes a low percentage of sugar in the cane. Yet the Tariff Board in another portion of the book quotes the Coimbatore cane No. 213 at a very high figure. I may say that this particular cane is one of the most widely spread of all modern canes in the country, and I have no doubt that with the assistance of the research work that is carried on at Coimbatore, Shah-jehanpore and Karnal and other places, the sugar content of all the canes

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will correspond to that and enable the calculation for the fair selling price at the end of the period of protection to be based on an extraction of over 11 per cent. This, of course, is no place to deal with details of these figures. What I wish to indicate at the present moment is that it is not in one respect only that the estimates of the Tariff Board require to be revised but in several.

Now, Sir, there is another reason why the postponement of this Bill is desirable. The Tariff Board frequently makes it perfectly clear that the *gur* maker is the principal object of their solicitude. Nevertheless I have failed to find anywhere, either in the Tariff Board's recommendations or in the Bill, any provision whatever for him except in so far as the high duties now proposed will keep out low grade sugar with which *gur* can be imitated or prepared. The argument that is commonly used that this Bill is of great benefit to the *gur* maker is the Tariff Board's own argument. They say that it is necessary to find a fresh outlet for cane, and that this outlet will be found in the refined sugar factories. Now, Sir, as you will have noticed in reading the Tariff Board's report, the sugar industry is a very greatly expanding one. The House will have seen that I have very carefully left all my figures outside the House because this is not an occasion for giving figures in detail. But by the kindness of the Department of Education, Health and Lands, I have been able to see the comparative figures of several years, showing the development of the improved canes in the United Provinces, from which I found that the cultivation of improved sugar-cane in some years has gone up by 100,000 acres, in others by 200,000 acres, and once, I believe, by half a million. The Honourable the Finance Member in his Budget gave us his estimates of the possible expansion of the sugar manufacturing industry. He estimated that the new factories would be capable of producing 60,000 tons per annum. But, Sir, what is 60,000 tons compared to the enormous amount that can be produced by the cane growers in India? The Tariff Board says that the improved cane will produce not less than 50 per cent. more per acre than the unimproved canes. The actual figure that I took from the last report showed that the ratio was 100 to 189. As a consequence, this 60,000 tons required for the new factories annually can be provided by the conversion from country cane to improved cane of 70,000 acres. It is quite evident that the *gur* industry will have to go on competing with this which it has always done. Nothing that there is in this Bill will affect the price by one anna.

Now, Sir, there are other dangers in this Bill. The price which will be obtainable under the protection levied by this Bill will be very remunerative and there will be a great stimulus to the extension of the factories, and the situation which we shall have will be very similar to that we had in the cement industry as recorded in the Tariff Board's Report.

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

I do not say that the Tariff Board was responsible for this state of affairs because if natural forces have had been allowed to their way they could foresee what would be the consequence. But the consequence now is that the cement industry is controlled by a combine which, in effect, has throttled the industry. Instead of having enormous quantities of

cement available at low prices, we have a small quantity of cement available at high prices. I will merely give one figure. The price of cement in India is exactly double of what it is in England. That, Sir, is the result of protecting a highly organised industry.

Now, Sir, my time is up. I hope I have said enough to the House to convince it of the necessity of giving the Government time to reconsider this Bill, especially in the matter of the amount of the protection given to the sugar manufacturing industry, so that in September they may bring in a Bill which is more in accordance with the facts as they are known to everybody.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): May I ask the Honourable gentleman, if the House does not meet in September, what happens then?

Mr. President: Order, order. Amendment moved:

"That the consideration of the Bill be postponed to the September Session."

MOTION FOR ADJOURNMENT.

UNSATISFACTORY REPLY OF THE LEADER OF THE HOUSE IN REGARD TO THE EXPEDITING OF THE REFORMS WITH MAHATMA GANDHI IN JAIL.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): It is now 4 P.M. time to take up the motion for adjournment. Before I call upon the Honourable Member, Sirdar Harbans Singh, to move his motion the Chair wishes to point out that the House has definitely decided to restrict it to only one issue, namely, to censure Government for the unsatisfactory reply of the Honourable the Leader of the House in expediting reforms with Mahatma Gandhi in jail. That being so the Chair wishes to inform Honourable Members that in addressing the House they will have to restrict themselves to this one issue only.

Sirdar Harbans Singh Brar (East Punjab: Sikh): Sir, I move that the House do now adjourn. Yesterday, Mr. President, we got a reply from the Honourable the Leader of the House in answer to a question that efforts are being made to expedite the progress of the reforms. That reply indicated that the Government are trying to force the reforms on India with the leaders of the Congress in jail. We believed all along from the statement of the Ministers of the Crown as well as Members of the Government of India, that all sections of Indian opinion would be duly consulted before the next constitution is put into force. But since the second Round Table Conference has ended and the present policy of repression in India has continued, we now hear that reforms will be expedited with all speed. We have heard on the authority of that great statesman of the Empire, whose authority on imperial affairs is unchallenged, General Smuts, that as far as India is concerned, Mahatma Gandhi is counted with, and that the Mahatma is the only person—General Smuts says from his own experience—who can deliver the goods and that Government will be well advised to do nothing of a decisive nature without first settling about the question of reforms with him, as the representative of that

[Sirdar Harbans Singh Brar.]

great organisation, the Congress. The decision of forcing the issue with the leaders of the Congress in jail appears to be that India should have the minimum of reforms which Britain would like to grant.

(At this stage, Seth Haji Abdoola Haroon was seen reading a newspaper in the Chamber.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. Honourable Members cannot be allowed to read newspapers in the Chamber.

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): It is only in connection with yesterday's questions.

Mr. President: Newspapers should not be read on any account.

Sirdar Harbans Singh Brar: Then when the Congress comes outside the jail and the reforms do not work well, there will be another long period for the Government to continue their supremacy without handing over responsibility to Indians. The view on this side of the House and the view in the country has always been that no reforms can ever be workable or acceptable to the country without all the parties being agreeable to them and the Congress as the main and the most important factor in the political situation of the country, as the political organisation with the widest following, should be consulted before reforms are inaugurated. We desire to impress on the Government that the decision they have taken to bring the reforms into action with the leaders of the Congress in the jails is most ill-advised and most unfortunate and most unwelcome to the country at this time. In such circumstances, neither the reforms will be acceptable to the majority of our countrymen nor when put into force will they work. We have seen a statement published in the *Advance* of Calcutta, from the same place from which my Honourable friend Sir Abdulla Suhrawardy comes, the statement issued by Mr. Benthall. My Honourable friend Sir Abdulla Suhrawardy must be acquainted with that circular. But I do not desire to depart from the main issue before the House and would not like to be taken back from that. We have seen from the statements in the Press and from different sources that at the Round Table Conference, certain parties decided along with the Government that the reforms must be expedited with all speed. As a result of those negotiations behind the doors of the Conference, it appears to us that this decision has been taken as a result of a conspiracy or intrigue, so that India should not have responsibility up to that degree which public opinion in India and the leaders of political thought demand. With the Congress leaders in jail, the British Government thought that they could give any sort of constitution they liked, and according to Mr. Benthall, all the minorities entered into a pact which the European Association after consulting legal advisers of the Crown and the India Office and the Foreign Office have thought fit to advocate. With these few remarks, I propose to leave the further discussion of the motion in the hands of my friends. Since the luncheon interval, I have been actually having a temperature. I therefore crave the indulgence of the House to conclude my remarks by saying that I commend my motion for the acceptance of the House.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, at the time when Mahatma Gandhi was arrested, most of us held that there was a certain conspiracy going on in England and in India. My Honourable friend Mr. Neogy, the other day, read out a passage from the speech of Mr. Winston Churchill, which showed that Mahatma Gandhi would not be allowed to remain free in India, but would be arrested as soon as he landed and that deep conspiracy was revealed when somehow Mr. Benthall's statement to the Associated Chambers of Commerce was published

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): Does my Honourable friend intend to say that I made that statement in exactly those words, or is that his inference from the statement?

Mr. B. Das: That is my inference and the inference of the country. Now, what does Mr. Benthall's statement

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair has informed Honourable Members that the question of Mr. Benthall's circular on which Mr. Lalchand Navalrai's question was based could have been discussed today; but the House deliberately decided to restrict itself to the one issue, namely, that Government are expediting constitutional reforms and keeping Mahatma Gandhi in jail; and the Honourable Member will have to restrict himself to that one issue only.

Mr. Lalchand Navalrai: Was it not inadvertently decided?

Mr. B. Das: I only refer to that statement in so far as it affects Mahatma Gandhi. I shall allude to the statement of Mr. Benthall where he refers to Mahatma Gandhi and how the conspiracy was hatched to arrest Mahatma Gandhi, and how representative Europeans were a party along with the Government and the die-hards in England to the arrest of Mahatma Gandhi. The particular passage I was going to refer to is that Mahatma Gandhi came back empty-handed to India. That was the report, the accredited report, of the representative of the European Chambers. That means that he knew a plot was hatched in London. The Secretary of State was a party to it; the die-hards, like Mr. Churchill and others, were parties to it; and my European friends here and their representatives at London were parties to it. Why was Mahatma Gandhi arrested? I have heard it said outside this House and also in the Press that if Mahatma Gandhi had been allowed his freedom, the Government could not have maintained peace and order. Before Mahatma Gandhi was arrested, there was the arrest of Pandit Jawaharlal Nehru; there was also the arrest of the Frontier Gandhi, Khan Abdul Ghaffar Khan. Had Mahatma Gandhi been allowed to proceed to Delhi to meet His Excellency the Viceroy, the heavens would not have fallen, nor would the earth have sunk into oblivion. But there was that conspiracy behind. They did not allow Mahatma Gandhi to meet His Excellency the Viceroy and to have a heart to heart talk with him. It has been suggested in the Press and outside, that Mahatma Gandhi might have carried on his negotiations as he did carry them on with His Excellency Lord Irwin, for two months, and that in the meantime the whole country would have been in flames. But with Jawaharlal Nehru arrested and the movement of the no-tax campaign completely under control of the United Provinces Government

[Mr. B. Das.]

and with Khan Abdul Ghaffar Khan arrested and the movement in the Frontier Province completely under control, those who plead that the Mahatma's freedom would have brought more trouble in the country simply bring out that plea only to defend themselves. Everybody knows that the country wants the expediting of these reforms; but with Mahatma Gandhi in jail nobody can say that the reforms could be expedited; and although the Churchills and the British Press gave us that impression, the particular passage in this statement of Mr. Benthall which was published in the Press shows that there was a conspiracy in England not to allow the reforms to be expedited; and there is a particular passage—I am not quoting anything lest it might be misconstrued—where Mr. Benthall says that there might be a land slide in the Government in England; in five year's time a Labour Government might come into power and so whatever there may be, let Mahatma Gandhi be arrested and everything that the die-hards in England and the European interests in India want about safeguarding and commercial discrimination and all that, let it be legislated so that the reforms could be postponed and the die-hards can have it all their own way. When Mahatma Gandhi went to the Round Table Conference as the sole delegate of the Congress, I know the British Press and the Press which is controlled by my Honourable friend the Leader of the European Group, my friend Mr. Arthur Moore, hailed it as a God-send, and in that statement it appears that the Congress delegation was described as “the most improbable people” and Mr. Benthall and his party could not understand how these most improbable people went to confer at the Round Table Conference to settle India's future. Another thing. My Honourable friend Mr. Moore will speak a few minutes hence, and I would like him to reply on behalf of his great community who live in India, though only for business reasons, about the particular reference to Mahatma Gandhi, when it talks of the “constructive vacuity of Gandhi's mind”. We know Mahatma Gandhi is a great saint; he is a prophet; he is a superman who is respected throughout the world. That the commercial representative of the European community should characterise his mind as “the constructive vacuity of Gandhi's mind”, what does that reveal? It reveals the fact that there was a deep-laid conspiracy, not only in India but also in England, and that everything was a mere show got up to entrap Mahatma Gandhi. Mahatma Gandhi was trapped there and he was not allowed to contribute constructively for the reforms in India, to bring peace between England and India, and when he landed in India, what happened? He sent a telegram to the Viceroy, the Treasury Benches advised His Excellency the Governor General not to allow Mahatma Gandhi to see His Excellency; and they arrested him and gave him enforced rest at Yerrowada jail; and with what purpose? With the purpose that has been revealed in the Indian Press by the publication of this document in the *Advance*, and actually revealed by the British die-hards. As one belonging to the commercial community, I find a serious charge is laid that “Mahatma Gandhi and the Federation of Indian Chambers were all combined and allied but they got nothing out of the Round Table Conference”. Commercial representatives have their respect for Mahatma Gandhi, but that they were offensively and defensively allied against the British commercial community, against the British Government and against the Government of India is a serious charge. I say it is a lie. It is a falsehood that has been mentioned in that particular document, if it is supposed to be true and came

from Mr. Benthall. My Honourable friend the Leader of the House will reply. I appeal to him whether he wants peace and good will between England and India, whether he wants expediting the reforms that will bring peace between England and India, that will bring peaceful times to many of his officers who are spending harrowing days out in the districts; and whether he wants that British trade should again revive in India. Everything can be revived if it is done through friendship; but these Ordinances which have been forced on the heels of Mr. Gandhi's arrest will not bring peace to India. Only Mahatma Gandhi's release and Mahatma Gandhi's participation in the constitution and the expediting of that constitution will bring everlasting peace between England and India.

Mr. Arthur Moore (Bengal: European): Sir, I very much doubt if many Members of the Opposition, when they arrived in this House this morning, had the slightest idea that they would find themselves during the afternoon engaged in trying to censure Government for their earnestness in hastening on the reforms, and I cannot help thinking that the date the 1st of April must have something to do with the fact that we find ourselves in this position. But, Sir, I understood from the Mover of this motion and also from my friend Mr. B. Das that the reason why it is sought to censure Government on this head is in some way due to this alleged circular of Mr. Benthall, and because it discloses some deep conspiracy which is alternately represented as a conspiracy to hasten the reforms and to hasten to torpedo the reforms.—I am not quite sure which. (*An Honourable Member*: “Both.”) But, Sir, as regards Mr. Benthall himself, with your permission, I am in a position to be able to tell the House that, although this circular, as it has been described, has appeared in the Press, it was privately sent out by the Royalist Association to its members . . .

Mr. B. Sitaramaraju (Ganjam *cum* Vizagapatam: Non-Muhammadian Rural): Can that circular be discussed now, Sir?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): I was just going to interrupt the Honourable Member. The Honourable Member cannot go into the question of Mr. Benthall's circular in the manner he is doing.

Mr. Arthur Moore: I have no desire to go into it any further than to deal with the arguments that my friend Mr. B. Das put forward. May I do that, Sir?

Mr. President: Yes, but it depends upon how the Honourable Member does it. (Laughter.)

Mr. Arthur Moore: I confess, Sir, that the whole operation seems to me exceedingly difficult and that I have like Agag to walk very delicately. However, Sir, I will get down to Mr. Das's allegation that the Government are to be censured because Mr. Benthall's circular proves that there was a deep laid conspiracy hatched in London, and to which I understood him to say the Members of this Group were also privy, to go back on the whole of the Conference scheme. Now it is quite clear that Mr. Benthall does say in effect that there was something of an attempt in that direction

Mr. B. Sitaramaraju: Did not the Honourable Member when he began his speech call it "alleged circular", and now he calls it Mr. Benthall's circular.

Mr. Arthur Moore: I don't understand the Honourable Member's point, Sir.

Mr. B. Sitaramaraju: In the earlier portion of your speech you described it as the alleged circular of Mr. Benthall, and now you admit it is Mr. Benthall's circular.

Mr. Arthur Moore: I was endeavouring to explain my point, but the Honourable the President did not consider that I was in order. May I say briefly, Sir, that I am authorised to state that Mr. Benthall says that the views attributed to him are accurate in substance and in no sense secret, being his personal impressions of the events of last November before the Government finally decided on its present clear-cut policy. Now, the real point it seems to me has been entirely overlooked by Honourable Members opposite. If they were to study the document in question, they would see . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The document is not before the House on the present motion. I should like to make it quite clear again that the motion before the House is to censure Government for expediting reforms in the absence of Mahatma Gandhi whom they have put in jail. That is the only issue.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): On a point of order, Sir, I should like to know whether in this discussion, especially because of the difficulties that have been raised, the following observation of Mr. Benthall's circular is relevant to the debate, namely, expediting the reforms in the absence of Mahatma Gandhi . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola): That is what the Chair has repeatedly pointed out. There is no point of order involved in it at all. The reason why this censure motion is brought forward is this. The Government of India have put Mahatma Gandhi in jail and are hurrying with the reforms. That is the only issue. The Chair allowed the House to choose between Sirdar Harbans Singh's adjournment motion and that of Mr. Sitaramaraju. If they had accepted the latter, they could have gone into the whole question of Mr. Benthall's circular, but the House deliberately decided otherwise, and they have now to restrict themselves to what they themselves chose.

Sardar Sant Singh (West Punjab: Sikh): May I know, Sir, in support of our argument that the reforms are being expedited in the absence of Mahatma Gandhi who is put in jail, if we cannot quote certain passages from Mr. Benthall's circular?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): These are all statements which the Honourable Member can bring forward. Mr. Benthall's circular can be brought in only very incidentally, because that is not the subject before the House. The subject before the House is the action of the Government of India.

Mr. Arthur Moore: May I say, Sir, that on the present motion before the House, in my view Mr. Das has succeeded in doing a very grave injustice to Mr. Benthall. What I wish to ask is whether it is in order that he should be able to do that, whereas it is not open to these Benches to attempt to put that right.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member may put any construction he likes upon the speech which Mr. B. Das made, but the Chair has been very attentive and it has pulled up Honourable Members when it thought that they were exceeding the limits which the House has placed upon itself. Honourable Members very often overlook the fact that each Member of the House is entitled to rise to a point of order if he feels that any Member is exceeding the limits placed on the discussion. The Chair must again say that Mr. Benthall's circular cannot come on the scene at all. The real accused, if I may use that expression, are the Government of India.

Mr. B. Das: I think my Honourable friend Mr. Moore ought to have done the rope walking I did.

Mr. President: Does the Honourable Member (Mr. Arthur Moore) wish to proceed?

Mr. Arthur Moore: No, Sir.

Mr. B. Sitaramaraju: Sir, I am not a Congressman. I never was a Congressman. If I have even an agreement with all the views held by the Congress, I assure you, Mr. President, I would have that much honesty to keep away from this House (*An Honourable Member:* "What is the dishonesty?") I would have had that much honesty to stay away from this House, because I would have had to non-co-operate and I would have been in jail.

Mr. President: Please go on.

Mr. B. Sitaramaraju: I do really think, Sir, if the future of India is to be satisfactorily solved and the constitution is to be worked, then all parties in the country should be given a fair opportunity to participate in the discharge of the duties set before us. Then only any satisfactory constitution can be brought into being. In view of the statement made some time ago by the Honourable the Leader of the House when we moved a comprehensive Resolution in this House on the necessity for the co-operation of all parties, he said that it was preposterous that the Government did not do their best to bring all parties together to work for the progress of constitutional reform. Now, matters have been disclosed which arouse a grave suspicion whether Government have really done their best to bring it about. For that reason I am in sympathy with this motion. If for no other. After hearing the answer given by the Leader of the House to the supplementary questions put by my Honourable friends here, I am forcibly reminded of the saying of a great Englishman of letters that the preacher of yesterday is the subject of to-day's sermon.

Seth Haji Abdoola Haroon: I want to oppose the motion of my Honourable friend Sirdar Harbans Singh Brar. I do not know what he means. Up till now, what I understood was that, so long as Mahatma Gandhi

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in jail, further reforms should not be expedited. Sir, if that is so, I do not know when Mahatma Gandhi wishes to come out from jail. . . .

Mr. B. Das: What my Honourable friend said was that without the release of Mahatma Gandhi full reforms cannot be brought about.

Set Haji Abdoolah Haroon: Please let me finish. The meaning is this. I sat until Mahatma Gandhi comes out from jail. . . . (At this stage there were several interruptions). Let me be allowed to speak according to my own views. I do not know when Mahatma Gandhi wishes to come out from jail. (Laughter.) Last year after the so-called Gandhi-Irwin pact was achieved, Mahatma Gandhi went to England, and after his return he sent a telegram to His Excellency and wanted to discuss some other matters than the R. T. C. My impression is that Mahatma Gandhi did not agree with His Excellency and he sent a notice that unless His Excellency heard him on the subject of the no-rent campaign and other things, he would start civil disobedience; that was an ultimatum he sent. My opinion is that at that moment the Government took the only action that could be taken by any Government in its position. Besides, I do not know what is the policy of my friends on this side of the House, whether they want reforms or not. If tomorrow the Government come forward and say, "Here you are", they will say, "We do not want to go on". I think at that time also Members from this side of the House will jump upon the Government and say, "You are wrong".

I draw the attention of the House to the fact that there are many other sects and communities who want immediately and at once responsible Government for India, and if you pass this motion, you will be doing great injustice to the many other communities who want reforms for their country. I do not want to go into Mr. Benthall's letter, but if somebody objects, the passage objected to may be taken out if the Chair considers that it is objectionable and must be taken out of the proceedings of this House. I have seen a statement from the Hindu Sabha or somebody else, which some Honourable Members of this House have signed. I am told that there is a conspiracy between the so-called nationalists and the Prime Minister. I do not know how far that is correct. Mr. B. Das spoke about the Federation of Indian Chambers and Mahatma Gandhi. I am associated with some of the mercantile bodies in Karachi. To-day I declare on the floor of this House with pain, that in 1930 when this civil disobedience started, the word of Mahatma Gandhi was immediately approved by the different mercantile bodies. They were always rightly or wrongly supporting whatever Mahatma Gandhi said. (Mr. B. Das: "Not always.") It was my experience; your experience might be different. My Honourable friend Mr. Sitaramaraju said that opportunity should be given to all the parties to sit in the R. T. C. and prepare a constitution for India. I think nobody will oppose that proposal in this House, but I do not know whether the party, who have started something ruinous to the country, will desire to come out and sit with others and decide the thing. With these few words, I oppose the motion.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Although I rise to support this adjournment motion, in my heart of hearts I rather feel sympathy for the occupants of the Treasury Bench. They really are not guilty. Everybody knows that they are merely the

agents of the Great Moghul who reigns at Whitehall. But all Moghuls were not tyrannical. There was Akbar the Great among them and in the same way there were very good Secretaries of State like Mr. Montagu, Mr. Penn and Lord Morley and some others. But there have been frequent changes in the occupants of the Whitehall throne and sometimes we have a very sympathetic Secretary of State and at other times an unsympathetic or apathetic to the interests of India. We are very grateful to the great Emperor Akbar, for he treated Hindus and Moslems equally and the Government have shown their appreciation by naming one of the roads after him and they have shown their good sense by locating the House of the President on that road in order to awaken him to his duty to give equitable treatment to the different communities and parties in this House. It is well known that Akbar was a very impartial and very fair-minded sovereign.

We cannot censure in this House the Secretary of State; but we have his agents here, the occupants of the Treasury Bench, who will have to hear all the severe things that will be said from this side of the House. (An Honourable Member: "Who is Akbar on the Treasury Bench?") Akbar ought to be in Whitehall. It is a pity he is not there at present. My friend Mr. Raju has just now told the House that he was never a member of the Congress, and holding similar views I have to say the same thing. The non-Brahmins of Bombay did not accept the lead of the Congress and that of Mahatma Gandhi. When he started the non-co-operation agitation in 1921 we not only remained outside the movement but with the assistance of the Maharajas of Kolhapur and Gwalior, we organised a great demonstration in Poona to welcome His Royal Highness the Prince of Wales, and thus showed that the Mahratta of the Presidency were quite loyal and were not at all affected by the non-co-operation doctrine preached in those days. This was done at that time because of the trust we had in the intentions of Government. Distrust had not taken its place then. But during the last ten years events have been taking place one after another which have been gradually undermining the faith in the good intentions of Government, and I am sorry to say that one proof after another is being furnished to help that undermining process. When Congress boycotted the Simon Commission, the non-Brahmins of Bombay and Madras did not join in the boycott, and when the Round Table Conference was announced and Mahatma Gandhi and the Congress people preached non-co-operation with it, we did not follow that advice, but accepted the invitation and went there because we felt that the intentions of the Government were very fair and that India was to get some real advance in freedom. The first Round Table Conference came to very fair conclusions and we were under the impression that everything would be all right in the second Round Table Conference. But things were changing. There was revolution in England. The occupant at Whitehall was displaced by another gentleman and the whole outlook in England had completely changed. The Government of India as the agents of the occupant of the throne at Whitehall had also to change their views. While sweet words were being exchanged at the Round Table and assurances were repeated from Government members of good will and service to India, the Conservative politicians, who had obtained a dominating voice in the Cabinet, were hatching a plot to annihilate the Congress. Some astute men had a vague idea that something bad was to happen. But I must confess that I was not gifted with that power. When I heard the speech

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of Mr. Churchill in the House of Commons, I thought that the bitterness in the speech was due to his disappointment. He wanted to smash the whole Round Table Conference and was working in that direction. But the Conference was not only not smashed, but the Prime Minister by his announcement had produced an effect, that the efforts of the Conference were successful. Mr. Churchill I thought was surely disappointed in his tactics and therefore he had been using the bitter words to exhibit the innermost motives of his mind. But future occurrences have now shown to me that there was a deep laid plot to suppress the Congress movement, and although the Prime Minister and others were hearing very patiently and talking very glibly about justice to India, there were communications with their agents in Delhi to take severe steps for the suppression of the Congress movement. On my way to Bombay, I promised my friends in England that I would take to the work of educating my people about the good intentions of Britain and to prepare them for the acceptance of the reforms that would come. But as soon as I saw that the Government were bent upon suppressing the Congress movement and were catching hold of any excuse to justify their actions, my eyes began slowly to open, and now this Benthall letter that has been lately published in the papers completes the disillusionment of my mind. All the important leaders of the Congress, including Mahatma Gandhi, are now in jail, and Government are at the same time hurrying up with the work of the various Committees. Up to this time the Franchise Committee has made some good progress I must admit, and I expect something will come out of it. But franchise is a very minor subject; whether 10 per cent. of the population gets the right to vote, or only 3 per cent. enjoys it as at present, does not matter very much. (Mr. Muhammad Yamin Khan: "Does it not matter very much?") It has its importance in the case of the voters themselves or the candidates who have to solicit the vote of a very much larger number or a comparatively smaller number. The principal thing is that of the future constitution. I have grave doubts whether the constitution that is going to be evolved will be acceptable to the nation and will satisfy the ambitions of the leaders. The Government of India may evolve a constitution and may get an Act passed by Parliament. But it will be very difficult to get the reforms worked. You can take a horse to water; but you cannot make it drink. So if the leaders of the people are not satisfied with the reforms if they believe that they are not getting the substance of freedom but only a semblance and a shadow, no one will be satisfied and it will be very difficult to work the constitution.

Sir, the dyarchical form of Government was accepted in 1920 by some of the leaders of the people, although Congress was against it, because it was a genuine attempt at democratization and people had then faith in the good intentions of Government. But as I have just said, times have changed; trust has been undermined, and it will be very difficult to find worthy people to work the new reforms. This is not at all the time for the introduction and successful working of a new constitution when there is now an Ordinance raj, when nobody is feeling confident, when Mahatma Gandhi and other popular leaders are confined in jail, when some leaders now working on the various Committees are rather nervous, and do not know where they stand, and when the European and other Groups are striving their best to whittle down the reforms as much as possible.

Mr. Arthur Moore: May I say, Sir, that that is quite incorrect?

Mr. B. V. Jadhav: Well, that is my view,—and I am liable to err. Therefore, Sir, I think I ought to condemn this action of the Government in hurrying on with the reforms under these circumstances when there is nobody prepared to accept and work them.

The Honourable Sir George Rainy (Leader of the House): Sir, I have delayed rising for some time in the hope that I might hear from some of the Opposition speakers some considered expression of the reasons which in their opinion justify this motion, but from the speeches made so far I have got very little material indeed. There seemed to be a constant tendency for speakers to get away to comparatively minor points and to divert attention from the main issue, which as you, Mr. President, have repeatedly reminded the House, is the only issue before us. Sir, the motion proposes to censure the Government of India for expediting the progress of the reforms, with Mr. Gandhi in jail. I find that even at this stage of the debate it becomes necessary for me to state what I understand to be in the minds of Honourable Members opposite rather than to refer directly to anything they have actually said. I understand, however, the feeling expressed by Sirdar Harbans Singh, namely, that it is useless to proceed with the constitutional discussions if the Congress are left out, that they form so considerable a section of Indian opinion that without their participation the constitutional discussions can lead to nothing. This is a point of view which the Government of India fully appreciate, and they have shown by their actions in the past how fully they did appreciate the importance of securing, if it could be done, that all parties of India should join in trying to reach a settlement. What else did the Gandhi-Irwin Pact mean but that, and, as one of the Members of the Government of India responsible for the Delhi Pact, I am entitled to claim that we took great risks in order to bring the Congress in. What followed? It was made clear in the Resolution of the Government of India, which was published last January, that the Government of India almost from the first found great difficulty in carrying on on the lines agreed upon. In their determination to assist towards a peaceful solution of constitutional problems, the Government of India showed deliberate forbearance towards Congress activities and refrained from denouncing the Delhi Pact although justification for such a course was afforded on many occasions. They persisted in their endeavours, and when difficulties arose about Mr. Gandhi's attendance at the Round Table Conference, they spared no efforts to reach a *modus vivendi*. Of that also I can speak from personal knowledge. Then came the Conference and the anxious months during which the situation in the United Provinces and in the North-West Frontier Province was steadily deteriorating from day to day; and at last the moment came when the Government of India felt that they could not, if they were to discharge their responsibilities at all, refrain from taking the action which the situation demanded. Sir, I have never been a party to a decision which in one sense I regretted so much, but I have also never been a party to a decision about which I was so certain that we were taking the only possible course which our duty to India demanded. (Hear, hear.) And when it is now suggested—on the strength of a document which I understand does represent what has been said by Mr. Benthall—that the Government of India were forced into their action by anything that passed outside India or by any alleged plot or conspiracy, that to me seems purely grotesque, remembering as I do all our efforts during

[Sir George Rainy.]

these anxious months, and remembering the reluctance we in the Government of India felt—and the reluctance constantly felt and expressed by His Majesty's Government—to taking any action which could endanger a peaceful settlement. But the situation became so grave that it looked as if a week's further delay might have precipitated an appalling catastrophe, in which ultimately all parts of the country might be involved. That is what I have to say on that point, Sir, and I desire to make it clear on behalf of the Government of India that we repudiate altogether any allegation that our action in attempting to put down the pernicious activities of the Congress movement was influenced in any way by anything that passed in London.

Now, Sir, since the Government of India were compelled to take action against the Congress, what was to be their future line of policy?

5 P.M. I do not know whether it is seriously suggested on the other side that since the Government of India felt constrained to take the action which they did take, they ought then to have abandoned any attempt to push on with the reforms and to have made their policy a policy of repression. If that is their view, it does not seem to me to be shared by a great many people outside this House. It is not shared by the Members of the Consultative Committee, who have emphasised the desirability that His Majesty's Government should decide with the least possible delay certain questions in order that progress may be expedited, and it is not shared by the members of the Muslim Conference at Lahore; and it is not shared by anyone with whom I have talked. I think Members generally and the country generally understand what the dual policy of the Government of India is. It was clearly stated in the Resolution of the Government of India to which I have already referred:

"While they will take every measure that is necessary for the suppression of a lawless movement and for the protection of public and private liberty, they will also spare no effort to bring to completion the policy of His Majesty's Government."

And if I may quote one more sentence from the speech delivered by His Excellency the Governor General at the opening of this session, he said:

"Our difficulties must and shall be surmounted and my Government are determined to allow no subversive or revolutionary activities to prevent us from achieving this great purpose for which many of us have worked for long years."

These are the two aspects of the policy. It is our business, it is our duty, to put down a movement which must result, if left unchecked, in the destruction of all orderly government. On the other hand, it is equally and even more our duty to show that we and His Majesty's Government mean business and that we are anxious to get on with the reforms. Surely what has taken place during the last few months in connection with these various Committees does show a very real intention of doing our best to expedite matters.

Now, Sir, before I sit down there is only one other matter to which I wish to refer very briefly. I presume it is suggested that the proper course for Government to take now is to release Mr. Gandhi and the other Congress leaders forthwith in an effort to bring about conciliation and peace. But what has happened in the last three months to encourage the view that the action would, in fact, lead to a peaceful settlement?

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On the other hand, we can reasonably say that it would lead to nothing except the immediate revival of all those activities which brought India very nearly to the brink of a catastrophe. And if Honourable Members opposite think that this is the right course to follow, I think it is incumbent upon them to show in what respects circumstances have changed since Government were reluctantly compelled to take the course of action which they did take at the end of last December and towards the beginning of January. I can only give my own opinion, Sir, and it is this, that I can find no reason at present for believing that the weapon of civil disobedience, that most pernicious and appalling weapon, would be abandoned, and in that case the only result would be that we should be landed back in a condition far worse than that in which we were last year and all the confidence in the policy of Government would be completely destroyed.

One last word, Sir, before I sit down. This may be the last occasion on which I shall address this House on this very important and difficult subject. I do not know whether I have spoken more warmly than I ought to do, but I can assure the House that the only warmth that is in my mind and heart is the warmth of a very sincere desire for the future welfare of India and a determination that, if I can, I will not be a party to any action which in my view would seriously injure her future. (Applause.)

Mr. C. S. Ranga Iyer: Sir, the Honourable the Leader of the House concluded his observations with a very touching remark, namely, that this is his last speech on a controversial issue and that he had nothing else but the welfare of India at heart. Sir, we on this side of the House are quite willing and equally sincere in our willingness to admit that he has the welfare of India at heart. (Hear, hear.) I would exonerate the Honourable the Leader of the House from any initial responsibility for the imprisonment of Mahatma Gandhi. Sir, I would even go a step further and say that had the spirit that animates the Honourable the Leader of the House animated Whitehall, Mahatma Gandhi would not have been in prison but would have been working with the Lothian mission, of which he was a member originally, wandering in the country, examining witnesses and miles and miles of people from long distances would have come to have his *darshan*. Unfortunately, the Honourable the Leader of the House is a leader of a House which is not a sovereign Parliament and a Member of an Executive Council which has been described, and correctly described, by the late Lord Curzon as "a subordinate branch of the Imperial Administration". Sir, I wish that Whitehall and Sir Samuel Hoare had been animated by the same spirit that has animated throughout the Honourable the Leader of the House. We hold him responsible for one thing, and we are proud to hold him responsible for that, namely, for bringing about the Gandhi-Irwin Pact. What the Honourable the Leader of the House brought about last year or brought about before last year, has now been broken by the circular of Mr. Benthall which has raised this discussion of our objection to the expedition of the reforms. This has happened as a result of the General Election. That is the whole issue.

Mr. Arthur Moore: May I ask, Sir, whether the Honourable Member is in order in raising this point if no answer is permitted?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member (Mr. Ranga Iyer) will abstain from drawing his extracts from Mr. Benthall's circular. The Honourable Member has seen that the Honourable Mr. Jadhav and the Honourable the Leader of the House have dealt with the issue that is before the House at considerable length without bringing in the circular of Mr. Benthall.

Mr. C. S. Ranga Iyer: I am not bringing it in either. I was suggesting that the root of this expedition of the reforms is in the Benthall circular, though we do not want the authority of the Benthall circular because there is some higher authority than that, namely, the *Statesman* of Calcutta. There is some higher authority still, namely, Winston Churchill; there are still higher authorities, namely, the Tory Press and Sir Samuel Hoare. I was saying that there are higher authorities than Mr. Benthall himself because the internal evidence in an important circular by a less important personality does not trouble me at all. I am concerned with the expedition of the reforms and the expedition of the reforms arose from the General Election. The whole spirit has changed after Sir Samuel Hoare replaced Mr. Wedgwood Benn.

Mr. Arthur Moore. May I ask, Sir, again whether the Honourable Member is entitled to elaborate the same point as my friend Mr. Das when it is not permissible to point out that Mr. Benthall is bringing a charge against certain Conservative members of the Government after the election of having attempted to do something which he tried to prevent them from doing.

Mr. President: (The Honourable Sir Ibrahim Rahimtoola): If the Honourable Member does not mention anything about Mr. Benthall's circular he is entitled to say that there has been a change in the Government of Britain to which several other references have also been made, and that the reason why Mahatma Gandhi was in jail and the reforms were being expedited was the Parliamentary election and the change of Government in Britain. I do not see how that can be out of order.

Mr. Arthur Moore: May I point out that Members are referring to the circular, without apparently reading it, and they should not draw any conclusions. If they would read it, they would find that the circular points out that this movement did not succeed. There was an attempt to produce this change of policy in the Government after the elections, but no such change eventually came about, as they reverted to their former policy of the Labour Government.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member can deal with the British policy and the policy of the Government of India.

Mr. C. S. Ranga Iyer: I was just saying what the Honourable gentlemen said. I was not going to take my stand on a circular to which reference has been made and in this case, it was meant obviously, as he

himself pointed out, for the first of April. (Laughter.) I was replying to the observations which the Honourable the Leader of the House, a more important personality than any other personality in this country, made in this debate. The Honourable the Leader of the House said that he was anxious, his Government were anxious to get on with the reforms. I do not for a moment question the anxiety of the Government to get on with the reforms, but we are anxious that we should get on with not mere reforms, but reforms that have to be worked. Can any reforms in this country work unless you have the bulk of public opinion with you? If the Government do not want to carry the public opinion with them, they can afford to follow the present policy of repression *cum* reforms. The Honourable the Leader of the House asked, what do the Opposition want? Should we have indulged in naked and unashamed repression? Nobody wanted them to indulge in undiluted repression, but everybody wanted them to follow the policy of unmitigated reforms. Once you dilute the wine of reforms with the water of repression, once you dilute reforms in such a manner as they are diluted by the Ordinances, the country will not see the reforms but only the Ordinances. I would invite the Honourable the Leader of the House to take up any Indian morning newspaper and also the streamer headlines in that newspaper even under the Ordinances, and what will he find? He will find that the country is not interested in reforms but repression. You cannot under the blight and blast of repression build up reforms. Reforms cannot grow in an atmosphere like that. That is why we say, do not expedite reforms until you create the atmosphere necessary for the reforms. That atmosphere is now lacking, and why is it lacking? It is lacking because, as Sir John Maynard, a great Englishman who has known this country, has observed, Mahatma Gandhi, on his return to this country, asked for an interview and that interview was unwisely not granted. I say that the Honourable the Leader of the House was not responsible for the refusal of that interview, which was dictated from Whitehall. If there had been Mr. Benn as the Secretary of State for India, the interview would have been granted. The spirit in Whitehall changed. This is not the place for me to disclose.

The Honourable Sir George Rainy: I must intervene now. I must challenge the statement of my Honourable friend that any action taken at that time was dictated from Whitehall.

Mr. C. S. Ranga Iyer: The Leader of the House is perfectly entitled to challenge my statement, but he cannot challenge the impression that I gathered when I was in London. He cannot challenge the impression that I formed after my long conversations with Mr. Benn and other Cabinet Ministers which was contained in a statement that I made on landing in India, that Mahatma Gandhi would be imprisoned but that he would be released to enable him to be present at the Second Round Table Conference, a statement which was contradicted by the *Sunday Times* of London, but a statement which subsequently turned out to be true. (Hear, hear.) I am therefore suggesting that the socialist mentality which was in Whitehall is not the Conservative mentality which is in Whitehall today. I wish Government had not declined the interview to Mahatma Gandhi, holding the opinion that Government themselves hold about him. What did the Private Secretary to His Excellency the Viceroy

[Mr. C. S. Ranga Iyer.]

himself state in his letter to Mahatma Gandhi? There is internal evidence in that letter that the Viceroy appreciated the attitude that Mahatma Gandhi took up in London, and what did Mahatma Gandhi himself say in his reply to the Viceroy? I should not like to take up the time of the House by reading that portion of the letter. There is plenty of evidence in that letter that Mahatma Gandhi was willing to co-operate with the Government and enquire alike into the Frontier and the United Provinces situation, and if he found that the Congress was wrong, he said in his letter to the Viceroy, "I will give the right lead to the Congress". Here is a leader of a people, a great man who was once admitted to the Viceregal Palace in loin cloth, who was entertained in London and respected at the St. James's Palace and on his return to India when he asked for an interview, he is told off

An Honourable Member: Under a threat.

Mr. C. S. Ranga Iyer: My Honourable friend says, "under a threat". This is exactly what Mahatma Gandhi wrote, and if there is a single threat in this letter, I will apologise to the Honourable Member. Mahatma Gandhi wrote:

"If it is not yet too late, I would ask His Excellency to reconsider his decision and see me as a friend without imposing any conditions whatsoever as to the scope or subject of discussion and I, on my part, can promise that I would study with an open mind all the facts that he might put before me. I would unhesitatingly and willingly go to the respective provinces and with the aid of the authorities study both sides of the question and if I came to the conclusion after such study that the people were wrong and that the Working Committee including myself were misled as to the correct position and that the Government were right I should have no hesitation whatsoever in making that open confession and guiding the Congress accordingly."

Such is the undertaking from Mahatma Gandhi to the Viceroy of India. Instead of seizing that opportunity, instead of trying to create an atmosphere of good will, dictated by Whitehall, by the new defiant spirit that is in Whitehall, which is not different from the spirit of Mr. Churchill himself, here is Mahatma Gandhi, a leader of a people, worshipped by the people, a leader with a following the like of which the world has not yet seen, here is a leader who is told off and then locked up in prison. I want the Honourable the Leader of the House to recommend to the Government of India to revise their attitude, send for Mahatma Gandhi and create the *status quo ante* internment and carry on important conversations. However, it must be borne in mind most clearly that in an atmosphere like this, by expediting the reforms, you may be able to have another election next year, but that election will be boycotted much more strenuously than the last election was boycotted. It is not the hurry or the haste or the waste of reforms that we want. It is the settlement of the Indian question that we demand. It has been recognised that Mahatma Gandhi is the Right Wing leader of the Congress, not the Left Wing leader and therefore I would once again tell the Government not to follow the policy of rallying the moderates, harrying the extremists and rushing the reforms. (Applause.)

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I am opposed to this motion for adjournment because

my angle of vision is quite different from that of many others. The time has not come for Mahatma Gandhi to be sent for for any settlement. I agree with my friend Haji Abdoola Haroon that any Government would have done the same thing that this Government has been doing. I ask my friends on this side, do they seriously expect that a powerful Government will concede any substantial powers with this little sacrifice and suffering that the nation has undergone yet? I say you are wrong. I say the time will come later on to move a motion like this, and it will then be acclaimed by the Government Benches; but the time has not come yet. The nation must show and prove its mettle. Instead of moving these motions, I think we should wait and wait till the real time comes, when the nation will prove that they have not been crumpled up under the repression.

An Honourable Member: India is not one nation at all.

Mr. S. C. Mitra: My Honourable friend may shout that India is not one nation, and my friend Haji Abdoola Haroon was saying that his community was anxious to help the Government to any extent. I say there are many amongst the Hindus as well who are anxious to help Government; he need not think that loyalty is a monopoly for his community; I know of the minorities pact and the selfish motives actuating them and their anxiety to fish in troubled waters; I can assure Government that there are people even amongst the Hindus who will be glad to co-operate with Government. But that is not my point. There will of course be such men in any nation in the world.

An Honourable Member: Question.

Mr. S. C. Mitra: As regards Mahatma Gandhi himself, the esteemed Leader of the House said that Government reached the limit and they had to take steps. What was the limit? He particularly mentioned two provinces, the Frontier Province and the United Provinces. In the Frontier Province Khan Abdul Ghaffar Khan was arrested, Why? Because he refused to go to a dinner or tea party or to attend a durbar. And the situation in a nutshell, as regards the United Provinces, was this: negotiations were going on; Mahatma Gandhi was coming from England but Government took the pretext that all the rents about which negotiations were going on between the Congress Party and the Government for the year must be paid before the end of the month. If the rents were paid, then there remained nothing for these people to negotiate about. Men like Pandit Jawaharlal Nehru tried their best; when the Provincial Conference was forbidden in Agra, he agreed himself to postpone it and announced that he was anxious to go and meet Mahatma Gandhi and take his advice. The General Secretary of the All-India Congress Committee, Mr. Jawahar Lal, was arrested and my Honourable friend the Leader of the House tells us that these are the occasions when the limit was reached and the Government could not wait for a few hours, when Mahatma Gandhi on bended knees wanted to see His Excellency the Viceroy only to discuss—he did not make it a point that the Ordinances must be suspended; he merely wanted to discuss them,—but that was also denied.

I now come back to the point. I for one do not really believe that we will gain anything unless the fight goes on to a finish. And here I differ

[Mr. S. C. Mitra.]

very much from my old friend of the Congress, Mr. Ranga Iyer. He thinks that Mahatma Gandhi, if he was free, would be roaming with Lord Lothian to settle these terms. The difference is that, what Mahatma Gandhi wants is the freedom of the country, which in other words is full Dominion Status, and not tinkering with this reform or that reform, for which my moderate friends in the Round Table Conference are so anxious. That is the fundamental difference between the Congress and the so-called co-operators and moderates and liberals. I think, on second consideration, my friend, Mr. Ranga Iyer, who knows the Congress as much as anybody else knows it will see that until Government yield and come to a reasonable frame of mind, this fight will go on. As a matter of fact when the Irwin-Gandhi pact came about, the Labour Government in England felt that India had proved her mettle, that India had become a nation and the time had come for a real concession, for real Dominion Status.

Now, as has been said, after this new election a reactionary House of Commons think they can merely tinker with the little reforms. Some of our friends are very anxious to have provincial autonomy. Do they know what is provincial autonomy without responsibility in the centre? I have consulted with some Ministers, both Hindus and Muslims, of my province, who say that in the provincial exchequer there is no money. They were anxious to do something for their people. Free primary education is an essential thing for the country, which question had been raised decades before by you, Sir, and persistently pressed by the late Mr. Gokhale all his life. But even this elementary thing we have not been able to get out of the Government all these years. What is this provincial autonomy? It may be that some of our friends are very anxious to sit in the place of the European bureaucrats as Ministers and draw Rs. 5,000 a month, but how does it affect the interest of the people at large? But what will happen without responsibility in the centre? Without real control in the central finance, what is provincial autonomy? I know in my province of Bengal we get 10 or 11 crores, while our people pay 40 crores. The balance goes to the Central Exchequer, and Minister after Minister was most anxious to do some good for the people. They are loyalists and co-operators, but they say, those who have real experience admit, that there is nothing in this provincial autonomy with empty exchequers. Possibly it may help some of those friends here to get big positions, but for the nation it means nothing. The other day I was speaking about the question of unemployment. We were fighting, my friend, Mr. B. Das, will be fighting with the capitalists, but there is no national dividend to be divided; we will all be fighting and as long as this fighting goes on it is certain that the Britishers will rule over this country. Why should they yield? When the real time comes, and when we will all unite in our self-sacrifice and suffering, then we will prove our worth that we are a real nation, and then the time will come for Mahatma Gandhi to come and settle. Sir, I am against such motions.

Several Honourable Members: The question may now be put.

Mr. President: I accept the closure. The question is that the question be now put.

MOTION FOR ADJOURNMENT.

2847

The Assembly divided:

AYES—48.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. G. S.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Bhore, The Honourable Sir Joseph.
Coker, Mr. A. G.
Dalal, Dr. R. D.
Fazal Haq Piracha, Shaikh.
Fox, Mr. H. B.
French, Mr. J. C.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Gwynne, Mr. C. W.
Haig, The Honourable Mr. H. G.
Howell, Sir Evelyn.
Ismail Ali Khan, Kunwar Haidee.
Jawahar Singh, Sardar Bahadur Sardar.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.

Maswood Ahmad, Mr. M.
Megaw, Major General J. W. D.
Moore, Mr. Arthur.
Morgan, Mr. G.
Mukherjee, Rai Bahadur S. C.
Nixon, Mr. J. C.
Noyce, Sir Frank.
Pillai, Mr. N. R.
Rafiuddin Ahmad, Khan Bahadur Maulvi.
Raghubir Singh, Kunwar.
Rainy, The Honourable Sir George.
Rama Rao, Diwan Bahadur U.
Rau, Mr. P. R.
Roy, Mr. S. N.
Ryan, Mr. T.
Sahi, Mr. Ram Prashad Narayan.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar, Captain.
Suhrawardy, Sir Abdulla.
Tin Tut, Mr.
Wajihuddin, Khan Bahadur Haji.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

NOES—34.

Abdul Matin Chaudhury, Mr.
Azhar Ali, Mr. Muhammad.
Bhuput Singh, Mr.
Biswas, Mr. C. C.
Das, Mr. B.
DeSouza, Dr. F. X.
Dutt, Mr. Amar Nath.
Gunjal, Mr. N. R.
Harbans Singh Brar, Sirdar.
Hari Raj Swarup, Lala.
Isra, Chaudhri.
Jog, Mr. S. G.
Joshi, Mr. N. M.
Lalchand Navalrai, Mr.
Liladhar Chaudhury, Seth.
Misra, Mr. B. N.
Mitra, Mr. S. C.

Muazzam Sahib Bahadur, Mr. Muhammad.
Mujumdar, Sardar G. N.
Munshi, Mr. Jehangir K.
Neogy, Mr. K. C.
Pandit, Rao Bahadur S. R.
Patil, Rao Bahadur B. L.
Ranga Iyer, Mr. C. S.
Rastogi, Mr. Badri Lal.
Reddi, Mr. T. N. Ramakrishna.
Sant Singh, Sardar.
Sarda, Diwan Bahadur Harbilas.
Sen, Mr. S. C.
Singh, Kumar Gupteshwar Prasad.
Singh, Mr. Gaya Prasad.
Sitaramaraju, Mr. B.
Sukhraj Rai, Rai Bahadur.
Thampan, Mr. K. P.

The motion was adopted.

Mr. President: Sirdar Harbans Singh to reply now.

(Sirdar Harbans Singh walked out without replying.)

I think he does not want to reply.

The question which I have now to put is that the House do now adjourn.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 2nd April, 1932.

APPENDIX
*Translation of the speech delivered in Marathi on the 19th March, 1932,
 in the Legislative Assembly, by Mr. N. R. Gunjal, M. L. A.*

Mr. N. R. Gunjal (Bombay Central Division: Non-Muhammadan Rural): Sir, I rise to oppose the Demand in respect of the Home Department. During the last two years, I find that the administration of the Home Department of the Government of India is not being run satisfactorily. The Home Department is responsible for the proper administration of law and order, but recently the people of India have come to know the unsatisfactory administration of the Home Department in respect of preserving law and order in India. Government are ruling India, not by ordinary laws, but by Ordinances the application of which has been bad. Respectable men and women have been sent to jail, useful associations have been declared unlawful, and processions and things of that kind have been dispersed. Sir, I warn the Home Department against all these abuses of the law.

His Excellency Lord Irwin, the *ex-Viceroy* of India, having noticed all these abuses of law by his own officers, and having gauged the depth of public feeling in India, called Mahatma Gandhi for consultation and entered with him into a pact, now known as "Gandhi-Irwin Pact". This pact of His Excellency Lord Irwin as well as his good qualities of heart were much appreciated by the general public. In view of the conciliatory policy of the Government, Mahatma Gandhi agreed to go to London and represent the Congress view at the Round Table Conference there. But no sooner he came back to India, the Home Department issued orders to arrest him and put him under lock and key. The mischief caused by the Home Department does not end there. They issued orders for the arrest of revered and renowned leaders like Pandit Jawaharlal Nehru, Subhash Chandra Bose, Vallabhbhai Patel, Vithalbhai Patel, Bhopatkar, Karandikar, Gokhle, Masurkar Maharaj and several others. Sir, all these go to show that there is somewhere something wrong with the administration of the Home Department. We, on this side, Sir, feel that it is a *zooloomi* administration and that all demands for the Home Department should be cut down, as the Department has failed entirely to preserve the necessary peace and order in the land, according to the country's desire.

The superior European officials are not permanent residents of India, but we, Indians, are the permanent residents here. This fact must not be forgotten. The Europeans, who eat the salt of India, are now persecuting Indians. This attitude of the Government is a sign of their downfall. It should be remembered that no Government who ruled Delhi enjoyed the throne for a long time, while persecuting their subjects. Look at the ancient history of the Delhi Empire? Government should pay heed to the events of history. Bhagwan Shri Krishna has said in the Gita:

"*Adhi jate budhi ani mag jate rajya*".—"The man loses his reason first, then his Kingdom."

The Kauravas, who were at one time ruling Delhi lost their kingdom because they perpetrated several crimes, inflicted *zulum* on the subjects, and persecuted and prosecuted sages and saints and convicted men of

**Vide*, page 2321 of these Debates.

light and leading. There is another example of Ravana. During the reign of Ravana, several atrocities took place with the result that there appeared on earth the incarnation of Rama to destroy Ravana.

At present, Ordinance *Raj* is going on, and Government are persecuting several sages and saints,—men like Masurkar Maharaj and Panchgonkar Maharaj, who is called Ramdas—and the younger generation for nothing. What does this indicate? It appears that the talents and reasons of the officials of the Home Department of the Government of India have deserted them and if the Home Department carry on administration without tact, skill and talents, Government will have to suffer consequences and will repent for all such acts.

The bureaucracy should remember that in case we get the powers in our hands we will not fail to retaliate against these bad acts of the Government. The British promises of peace and protection, mercy and safety, have now broken down; and it should be remembered that the time is not far off, when such repressions will lead to revolution. With these words, I support the motion to refuse the entire Demand* in respect of the Home Department, on account of its utter failure to preserve law and order in the country by their mishandling of the present political situation.

LEGISLATIVE ASSEMBLY

Saturday, 2nd April, 1932.

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

STATEMENT OF BUSINESS.

The Honourable Sir George Rainy (Leader of the House): Perhaps it may be for the convenience of the House if I make a brief statement about the state of Government business and the probable date on which the session can be terminated. Government have examined the state of business carefully, and they feel that unless something can be done to lighten the programme, it looks as if the greater part of the next week will be occupied in the discussion of the various Bills and Resolutions. In view of that fact, they have come to the conclusion that it is desirable to postpone further consideration of the Bill for the protection of the sugar industry until the September session. That is a Bill on which there are a number of amendments, the discussion of which might take up several hours of the time of the House. Therefore, I should like to say that we shall be ready to accept the motion which has been already moved by my Honourable friend Mr. Sykes that the further consideration of the Bill be postponed until the September session. Ordinarily there would be very strong objections to following this course in the case of any Bill designed for the protection of an industry because the industry would in ordinary circumstances be deprived of the protection which it was proposed to give it. But in this case the duty which will be in force for the next twelve months is 25 per cent. higher owing to the surcharge than the duty proposed to be fixed by the Bill, and therefore the sugar industry will not in any way be prejudiced by the postponement of the Bill. If that is done, Government hope that it will be possible to finish the programme of work by Wednesday, the 6th. I should like to take this opportunity to mention that on Tuesday, the 5th of April, a statement will be made on behalf of the Education, Health and Lands Department as to the result of the work of the recent mission to South Africa, and as I understand there is a general feeling that the House would like to have an opportunity of discussing this statement, Government propose to put down a purely formal motion that the statement made may be taken into consideration so that Members may have an opportunity of expressing their views after they have heard the statement. Finally, Honourable Members are aware that there is on the paper a motion by my Honourable friend, Sir Frank Noyce, that the Bill further to amend the Indian Merchant Shipping Act for certain purposes be referred to a Select Committee. The House is also aware that yesterday two further Bills have been introduced, also arising, as this Bill arose, out of the recommendations of the Haj Committee. It

(2851)

*"That a sum not exceeding Rs. 5,48,000 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 March, 1933, in respect of 'Home Department'."

[Sir George Rainy:]

would obviously be convenient if these two Bills could be referred to the same Select Committee that will consider the first Bill, and therefore if the House think that that is a reasonable course—and I shall be glad to discuss with Party Leaders during the course of the day to ascertain their views on the point—in that case motions would be put down to refer these two Bills also to the same Select Committee. I hope that what I have said will satisfy the House that it is the desire of the Government to meet the convenience of Members and to do what lies in their power to expedite the business so that the session may not be unduly prolonged.

STATEMENTS LAID ON THE TABLE.

SUBSIDY PAID FOR THE MAIL MOTOR SERVICE BETWEEN SALEM AND ARTHUR.

Mr. T. Ryan (Director General, Posts and Telegraphs): I lay on the table the information promised in reply to starred question No. 748 asked by Mr. D. K. Lahiri Chaudhury on the 14th March, 1932.

(a) Yes.

(b) Yes.

(c) The arrangements made by the Superintendent were of a temporary nature in order to avoid break-down in the transport of mails, and Government are satisfied that such action in special circumstances is justifiable.

(d) Strictly speaking the authority of the Postmaster-General was necessary, though it was not obtained by the Superintendent; but for the reason explained in the reply to part (c) above Government do not consider that this case necessitates any action against that officer.

PAY OF DUFFRIES AND 10 PER CENT. CUT IN THEIR PAY.

The Honourable Mr. H. G. Haig (Home Member): I lay on the table the information promised in reply to parts (a) and (d) of starred question No. 375 asked by Mr. D. K. Lahiri Chaudhury on the 16th February, 1932.

With reference to the reply given to starred question No. 375 on the 16th February 1932, I have to say that there are 404 Record Sorters and Duffries employed in the Government of India Secretariat and its attached and subordinate offices. Of these 27 are in receipt of pay of over Rs. 40 a month.

OLD RECORD SORTERS, JEMADARS AND PEONS RETAINED IN THE GOVERNMENT OF INDIA SECRETARIAT.

The Honourable Sir George Schuster (Finance Member): I lay on the table the information promised in reply to starred question No. 743 asked by Mr. Muhammad Anwar-ul-Azim on the 9th March, 1932.

(a) Yes; there are eight in all.

(b) There is no compulsory age or service limit for retirement in their case. Fitness for the work of their grade is the sole criterion for their retention.

STATEMENTS LAID ON THE TABLE.

2853

APPOINTMENT OF MUHAMMADANS IN THE RAILWAY AUDIT SERVICES.

The Honourable Sir George Schuster: I lay on the table the information promised in reply to unstarred questions Nos. 219 and 220 asked by Khan Bahadur Haji Wajihuddin on the 23rd March, 1932.

219. (a) The number of men holding permanent (including provisional) appointments in each grade of the Railway Audit Service is as follows:

(i) Assistant Audit Officers	17
(ii) Senior Auditors	58
(iii) Junior Auditors	46
(iv) Clerks:	

Details of the distribution of posts as between permanent and temporary and grades I and II are not immediately available. Total number of clerks in service on 31st December 1931, was 393.

(b).

(i) above	Nil
(ii) above	3
(iii) above	2
(iv) above	43

220. (a) The proportion of recruitment of minority communities is being strictly adhered to both for probationary auditors and for clerks. Similarly on reduction of posts the prescribed ratio has been observed in discharging staff.

(b) No, because when posts are being reduced and staff retrenched no supernumerary appointments can possibly be made.

APPOINTMENT OF SIKHS IN THE AUDIT OFFICE, INDIAN STORES DEPARTMENT.

The Honourable Sir George Schuster: I lay on the table the information promised in reply to starred question No. 723 asked by Sardar Sant Singh on the 9th March, 1932.

(a) None.

(b) Appointments to posts of Accountants are made chiefly by promotion from clerks who have qualified by passing the Subordinate Accounts Service Examination, and occasionally by direct recruitment. In the office of the Auditor General, none of the Sikh clerks is qualified for such promotion. In the Audit Office, Indian Stores Department, there is one junior Sikh clerk who has now passed the Subordinate Accounts Service examination and his claim for promotion will be considered in his turn.

(c) The total strength is 102. The elements of Hindus, Muhammadans and Sikhs and the province they belong to are given below:

	Hindus.	Muhamadans.	Sikhs.	Total.
Bengal	48	..	..	48
Punjab	15	2	6	23
Delhi	2	13	..	15
Madras	9	..	..	9
United Provinces	..	2	..	2
	74	17	6	97

DISPOSAL OF APPEALS BY THE INSPECTING OFFICER, MILITARY LANDS AND
CANTONMENTS, NORTHERN COMMAND.

Mr. G. M. Young (Army Secretary): I lay on the table the information promised in reply to parts (b) to (f) of starred question No. 859 asked by Khan Bahadur Haji Wajihuddin on the 18th March, 1932.

(b) The General Officer Commanding-in-Chief, Northern Command, himself passes orders on appeals.

(c) Yes.

(d) The answer to the first part of the question is in the negative and the answer to the second part in the affirmative.

(e) No.

(f) Does not arise.

SCHOOLS FOR CHILDREN OF RAILWAY EMPLOYEES AT GORAKHPUR.

Mr. P. R. Rau (Financial Commissioner, Railways): I lay on the table the information promised in reply to unstarred question No. 115 asked by Mr. N. R. Gunjal on the 4th March, 1932.

(a) Yes.

(b) (i) to (iv). At Gorakhpur the Bengal and North-Western Railway administration have provided two schools for the children of their Indian employees; one is a Boys' school teaching up to the 6th Anglo-Vernacular Class and the other a Girls' Kindergarten school. These two schools were provided for the benefit of staff living near the Locomotive Workshops which are at some distance from the city in which numerous scholastic institutions are available for children of other railway staff. The number of children of Indian employees attending these two schools is 220.

(v) Yes.

(vi) The Bengal and North-Western Railway contribute Rs. 100 per mensem to the Boys' school and Girls' school, and Rs. 225 per mensem to the Railway school at Gorakhpur for the children of European and Anglo-Indian employees. The Railway also contributes Rs. 200 per mensem to schools in the city which are attended by children of Indian employees.

(vii) Yes.

(c) It is understood that Railway schools have been provided where the lack of educational facilities has made this necessary.

(d) Does not arise.

HEAD DRAFTSMAN, LOCO. HEADQUARTERS OFFICE, NORTH WESTERN RAILWAY.

Mr. P. R. Rau: I lay on the table the information promised in reply to unstarred question No. 236 asked by Lala Rameshwar Prasad Bagla on the 23rd March, 1932.

(a) The reply is in the negative.

(b) It is a fact that he was previously a tracer and then a photographer in the Publicity Branch of the Headquarters office. It is, however, not a fact that he has never worked on the boards. He does so now when urgency demands and checks the major portion of work done by the staff employed under him.

(c) Does not arise.

THE SUGAR INDUSTRY (PROTECTION) BILL—contd.

Mr. President: Further consideration of the motion that the Bill to provide for the fostering and development of the sugar industry in British India, as reported by the Select Committee, be taken into consideration, and the amendment of Mr. Sykes that the consideration of the Bill be postponed to the September Session.

Mr. B. Das (Orissa Division: Non-Muhammadan): Although the Leader of the House in his statement about the work before the House has said that he would be quite willing to postpone the debate on the Sugar Industry (Protection) Bill, we on this side of the House are in no mood to postpone the passing of this Bill till the next session. I do not know if my Honourable friend, Mr. Sykes, was of that opinion. Had his desire been to postpone the debate till the next session, he would not have discussed the whole aspect of the Sugar Industry (Protection) Bill and gone into it in such great detail, as he did yesterday. By going in detail into the interests of the agriculturists and other interests, he showed that he had in his mind that his motion would not be accepted by this House. One point to which I want to draw the attention of the Leader of the House regarding the motion of my friend, Mr. Sykes, is that the next sugar season will commence somewhere in September next, and those who want to avail themselves of the sugar crop of 1933 must order their machinery and plant in 1932 by September next. The Bill is not controversial at all, and although there are certain amendments placed before the House to enlarge the scope of the Bill, to give more protection to the agricultural interests and also to safeguard the financial interests of the Government of India, there is nothing controversial in the Bill which will necessitate the postponement of the consideration of this Bill till the next session. Of course, I understand the situation; the Government are pressed for time, and the House is anxious to adjourn. But the sugar interest in the country will be put to a disadvantage. Another thing about this amendment is this. The motion is that the Bill should be postponed to the September session. Suppose the Government holds a session in June. Will this not be brought up then? There is a provision that if the report of a Select Committee is not taken into consideration within six months, it gets lost. What will happen then? So much about the amendment of my friend, Mr. Sykes. I do not know whether I shall be in order in making observations on the main motion at this stage.

Mr. President: You can do so at this stage.

Mr. B. Das: Thank you, Sir. I was observing yesterday that I wholeheartedly support the motion before the House, that the Bill to protect the sugar industry should be taken into consideration, and it will be ungraceful on the part of this House to postpone it to another session because we will not hear the sweet melodious voice of my Honourable friend Sir George Rainy then. This is the last protection Bill which he has introduced into the House and he had advocated it so well in the excellent speech that he made yesterday. It will be graceful to see him complete his work before he leaves the shores of India and when he does so, he will remember that he has supplied more sweets to the people of India by giving protection to sugar. My Honourable friend the Leader of

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the House pointed out that the Select Committee has amended clause 3 of the Bill so that not only shall protection be given to the sugar industry up to the 31st day of March, 1938, but it also proposes that an inquiry should be instituted to extend the scheme of protection up to the 31st day of March, 1946. I was one of those who differed in the Select Committee and was against that amendment. It means that the present House has no confidence in the Legislature that will come up in 1938. I consider the protection scheme is such that in seven years any sugar factory that will be installed in India will not only derive large benefit but will recover even the total capital invested on the plant. I do not exactly agree with my friend Mr. Sykes' analysis of the amount of protection given to the sugar industry stating that it is excess protection. I think the amount is already a little in excess, than is necessary. While this advantage is given to the sugar industry, why is it that this Legislature should tie the hands of those who will be Members of this House in 1938 and that will be a different House. It will be a completely popular House. Why should we be suspicious of the popular House in 1938 and tie their hands? That is the amendment introduced in the Select Committee, and I want the clause to stand as it was in the original Bill.

The Tariff Board in its recommendations has two interests in mind, not only to see India self-supporting regarding its sugar requirements, but it also wanted that the interests of the agriculturists should be borne in mind. I feel sorry that my Honourable colleagues in the Select Committee did not look into that aspect of the question. Because of that, Mr. Mitra and I were forced to append separate minutes of dissent drawing the attention of the House to the fact that the provisions of the Bill do not completely safeguard the interests of the agriculturists, and with that end in view there are certain amendments which I hope the House will consider and the House will approve. We had ample opportunity to discuss that aspect of the question with Sir T. Vijayaraghavacharya, the Vice-President of the Imperial Council of Agricultural Research, and the recommendation of the Tariff Board was that Rs. ten lakhs per annum would be provided to that Council so that they could carry out researches on sugarcane produced in different provinces. My Honourable friend the Leader of the House pleaded financial difficulties yesterday and Government was not in a mood in the Select Committee to concede Rs. 10 lakhs per annum from the date this Bill is enacted into an Act, but in the minute of dissent my friend Mr. Mitra and I have suggested that there should be a cess duty on sugar on the output basis. There are cotton cess duties, lac cess and tea cess. Why should there not be a cess on sugar factories on the production basis? Let this 10 lakhs be realised from the sugar manufacturers and let it be spent for the benefit of the agriculturist class. I am glad that my Honourable friend Sir Fazl-i-Husain is here. At present the Imperial Council of Agricultural Research spends all its money in Madras and in Bombay. The Bombay Government is very rich. It has got its cane farm at Manjeri over which it spends huge sums of money. (An Honourable Member: "The Madras Government is not so rich".) The Madras Government derive the highest revenue among the Provincial Governments. It is the only solvent Government. Most of the money is spent on the experimental farm at Coimbatore and in the Bombay Presidency. I do not think that the Tariff Board intended that

all the money should be spent on the provinces of Bombay and Madras. Bengal, Orissa and other provinces should also be looked after. Everybody knows that the U. P. has got large cane growing areas, so have Madras and Bombay. I suggest that this ten lakhs of rupees should be realised by cess duty from the sugar manufacturers and it should be spent on provinces on a population basis by starting cane farms, and these cane farms should be started in every division of the province, so that the poorest agriculturist should have access to these experimental cane farms. Everybody knows, the climate of Bengal and of Orissa is quite different from the climate of Bihar or that of the United Provinces. The rainfall, the humidity, the soil, etc., differ and sugar-cane does not grow in that richness and abundance as in the dry climate of the United Provinces. So to-day the policy of the Imperial Council of Agricultural Research has been to place the rich provinces in this respect all along in a favourable position, i.e., Bombay, the United Provinces and Madras enjoy most favoured treatment whereas in equity the funds should be primarily spent on areas where there are no sugar-cane farms at present, and my suggestion is that in every three or four districts there should be a Government experimental farm created out of these 10 lakhs of rupees that will be allotted for the development of sugar-cane farms. Of course the Tariff Board recommended, and the Agricultural Council approved of it, that part of this money should be spent on a sugar research institute. That does not help the poor man and that does not help the agriculturist at all. That helps the sugar manufacturers of the country, and for that why should there not be another cess besides this 10 lakhs of rupees which they will contribute for the benefit of the agriculturist?

Then there is the other interest which has been brought up before the House always that any protective scheme that is introduced for the benefit of industries should conduce to the interests of India as a whole also. In the Select Committee that aspect of the question was discussed, but somehow Members could not come to an agreement although the particular amendment that I have sent in for licensing each sugar company in the interests of India was even drafted with the help of the Government draftsman, Mr. Mitchell. I do hope that the House will accept my amendment when it will be moved in order that the greatest rivals in the sugar industry of India at present, who are the Javanese and the Dutch people, who at present produce sugar at a cost of less than Rs. 4 a cwt. and bring it down to the Indian coasts, and then we buy sugar at Rs. 12 a cwt., may not reap an undue advantage; and if this protective tariff goes against the Dutch producers, then they will probably dismantle their sugar factories in Java and install them in the U. P. and other sugar-producing zones and thus defeat the purpose of this protective measure. Therefore in that amendment which I wish to move later on I have suggested that the Government should introduce a system of licenses whereby they will control licensees as to their country of origin and as to whether they have Indian interests primarily at heart.

Sir, one thing that is now apparent is the *diminishing* returns of the Government's customs receipts owing to these protective measures. At present sugar is bringing into the coffers of my Honourable friend the Finance Member Rs. 11 crores. As time will go on, India will produce all this sugar and the customs revenue will go down by 11 crores. Then, how does this Government or its successor hope to carry on? So a system of taxation ought to be devised with the assistance of the profits which

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this or any other industry receiving protection derives and the Government must get a share of that. In the past the Government have had recourse to levying an excise duty, and there is an actual rumour in the country that Government are thinking seriously of levying an excise duty on the cotton mill products. Sir, for 20 years or more we resisted the underlying policy of Government levying an excise duty on cotton yarn and cotton piecegoods, which had been imposed at the instance of Lancashire, and we did not like any invidious taxation, a sort of poll tax or *jhihia* on everybody, on every consumer. If excise duties are to be again imposed by the Government, the best method is—I know the Government are not getting sufficient income-tax out of the investors' class, who are deriving large profits, and the Government and the industry must share the profits to a certain extent

Seth Haji Abdoola Haroon (Sind: Muhammadan Rural): Your proposal would only apply to the case of the sugar industry and not to any other kind of industry?

Mr. B. Das: To every industry that gets Government protection. Therefore I have tabled an amendment which I hope Honourable Members have read, that after two years, every sugar factory must prepare balance sheets, a profit and loss account, and must submit it to the Government, and if a particular industry makes a profit of more than 6 per cent., the surplus profit will be shared by the Government and the investors, and I ask the Government to share the surplus profits to the extent that they have given the protection to that particular industry. Thereby the investors will pay and not the consumer, because at present it is the hard lot of the consumer, the poorer classes especially, that they always pay more and the richer classes escape scot free: and if Government and the House accept my suggestion, it is the investors' class that will pay. Now my friend, Seth Haji Abdoola Haroon, interrupted me. Surely he knows there are sugar factories in India that are driving 20 to 30 per cent. profits; and from reference in the address of His Excellency the Viceroy to this Assembly one can gather that already 18 factories are going to be installed. My friends of the capitalist class are shy of investing their money unless they derive fat dividends. The consumer is already paying high prices on sugar. Why should the consumer pay more, as will happen if the Government decide to put an excise duty on sugar on the production basis? So let it come out of the surplus profits. Thereby Government should get an adequate share of the profits.

Seth Haji Abdoola Haroon: Only from the sugar or also from any other industry receiving protection?

Mr. B. Das: I have in mind every protective industry. Sir, these are some of the observations I have to make at this stage and I support the motion of my Honourable friend, the Leader of the House.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. Ordinarily the procedure adopted by the Chair is that when a dilatory amendment is proposed as in this case, the original motion and the amendment are both allowed to be discussed together, so that it would be open

to every Honourable Member to give reasons why he opposes the amendment and wishes the House to pass the original motion. On the present occasion the Leader of the House has explained his position, that he is willing to accept the dilatory motion in order to expedite the business before the House. The House is entitled to decide, apart from the question of expediting the work before the Assembly, whether they wish to discuss this in full in all its aspects. If there is a general feeling in the House that the suggestion of the Leader of the House should be accepted then the best course would be to deal in the first instance with the amendment only. I should like to know what the general feeling in the House is in that respect. (Some Honourable Members: "No postponement", "No postponement"; Some other Honourable Members: "Postpone", "Postpone.")

(At this stage Mr. Arthur Moore rose to his feet.)

Mr. President: Do you wish to say anything on this aspect of the question, Mr. Moore?

Mr. Arthur Moore (Bengal: European): I was desiring, Sir, to say that we would like to see your suggestion adopted that we should immediately decide the amendment before the House.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): As the view of the House is not clear, I should like to ascertain exactly what the feeling is. Will those Honourable Members who are in favour of postponing the discussion of the Bill till September please rise in their seats. (Some Members rose.) Those against this view will now rise in their seats. (Some Members rose.) As the division is about equal, I will allow both the original motion and the amendment to be discussed together.

Kunwar Raghubir Singh (Agra Division: Non-Muhammadan Rural): Sir, I wish to congratulate the Government in general and the Honourable the Leader of the House in particular for bringing this Bill before the House in the interests of the sugar industry in the country. Sir, the Government generally, as we know, are slow to proceed. When there was a question of putting a duty on the import of wheat, they did not agree to it, but when we defeated the Government, they were forced to levy that duty. So, Sir, as you have yourself said this amendment has been described as a dilatory motion and I wish to oppose it, because our country is essentially an agricultural country and the interests of the agriculturists should always be kept in view. When I oppose the amendment and support the original motion, it is on two grounds. In the first place, I support the original motion in the interests of the cultivator himself. Formerly, when protection was proposed, the burden of that protection used to fall on the poor people, but now the case is otherwise. In this connection, I would quote the example of steel, paper, cement and *luddar*. The protection on these articles fell on the poor people, but this protection which has now been proposed will not fall on the poor people because they generally use *gur* and not white sugar. So, Sir, as I said the benefit of the protection will be for the cultivator and will not fall on the poor people. Secondly, my province, the United Provinces of Agra and Oudh, is a large sugar-producing province. Half the area of the whole of India which is under sugar cultivation is in the United Provinces. So,

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Sir, if no protection is given as is proposed in the present Bill, the factories will be closed down and only *gur* will be produced. In that case, the price of *gur* will fall very low and it will hit the cultivator. Cultivators are poor people and even by the fall in the price of *gur* they cannot be benefited because now there is a tendency to increase the cultivation of sugar-cane, as they think that there is some benefit in that. So, Sir, in the interests of the consumer also the protective duty will be beneficial. Sir, I said in the beginning that the Government are slow, they act like an elephant. The elephant does not move unless it is goaded. So, Sir, we have been seeing since last year that the Government do not move unless they are pressed to do so. I have read Persian literature, and they speak highly of the *hilm* and *burdbari* (patience) of the elephant. But in this case the slow moving is affecting the cultivators in the land and so I wanted to congratulate the Government for bringing this measure before the House. The sooner it is passed, the better it will be for the consumers and the cultivators of sugar. On these two grounds, I support the Bill and oppose the amendment of the Honourable Mr. Sykes.

Mr. G. Morgan (Bengal: European): Sir, I must say that I fail to see why there should be any postponement of this measure. If it is on the question of time, that is another matter; but from the point of view of expediency, I think the measure should be proceeded with. I do not think any point has been brought forward by my Honourable friend Mr. Sykes by which the postponement of this measure would do any good at all. If it is the question of reducing the rate of duty, I do not think that is a point which is in favour of the cane grower because if the duty is reduced, I take it, that the factories and the buyers of cane would naturally in the ordinary circumstances offer a lower price for the cane. Now, Sir, I do not intend to give up the Bill. The Tariff Board's report has definitely stated certain points with regard to the burden on the consumer and in their report on page 92 they say that:

"More sugar than *gur* is consumed in the town, more *gur* than sugar is consumed in the villages. The poor Agriculturist consumes very little sugar and the proportion of consumption of sugar to *gur* is far greater in the case of the well-to-do than of the poorer classes."

My Honourable friend who spoke last put the case forward that the burden will not fall on the consumer, and there is no doubt that the gain will accrue to agriculture. With regard to what my Honourable friend Mr. B. Das said about the cess on factories, he seems to forget that the factories only produce about 100,000 tons and they are expected to produce something like 200,000 tons before the end of 1932-33. The *gur* and other sugar makers, which does not include refined sugar, are expected to produce something like 3 million tons. Now, if you were only to put a cess on factories, you would be only penalising one side of the manufacture, whereas the benefit of the protection is given to all manufacturers, thereby benefiting the cane grower. With regard to research, the Select Committee went into that very thoroughly, and after a great deal of discussion and evidence taken, we came to the conclusion that it would be very much better not to put a statutory amount in the Bill, because we were perfectly convinced that that money was not required at the rate of ten lakhs here from the date of this Bill, but we were quite prepared to guarantee that the necessary funds would be forthcoming when they were required but that schemes should be put up so that the Legislature might

have an opportunity of criticising the actual work proposed by the Agricultural Research Council. I think myself after what I have heard in the Select Committee that it is a very much better plan than a long statutory obligation on the exchequer to find ten lakhs a year and crediting that to the Agricultural Research which might lead that bureau to spend money in a way which was not at that time actually necessary or advisable. With regard to licenses, we all agree with what my Honourable friend Mr. Das said but when it came to the actual question of licenses we saw great difficulties in making those licenses effective. I do not really know how it can be done. If "A" was granted a license and he transferred his shares on blank transfer, I do not know how that is going to be traced, and I do not know whether there is any law in India at the present moment which insists that every share shall be made over to the actual person purchasing that share, and I think my Honourable friend, Mr. B. Das, might investigate that a little further. Although one has a feeling that something of that kind is necessary, and therefore this particular point was put in the Bill, it is very doubtful from a practical point of view whether the actual system of licenses would meet the point which we all want to meet. Sir, I have very little more to say, except to repeat that much as one would like to see the time of these debates minimised. There is no doubt that there has been a great deal of time during this session when we could have got through a Bill of this description very easily; not having quorums, having holidays and one thing or another curtailed the time, but I cannot see any reason why, when we are sitting here as a Legislature, a Bill of this description, which is in my opinion an urgent one owing to the position of the manufacturers, should be postponed till the September Session. People who have been expecting this Bill to be passed early this session have naturally laid their plans accordingly, knowing that the revenue duty is at the same rate as is suggested in the Bill, but the revenue duty.

The Honourable Sir George Rainy (Member for Commerce and Railways): 25 per cent. more.

Mr. G. Morgan: With the surcharge, but the revenue duty unfortunately is for 12 months and therefore people who are going to invest money.

The Honourable Sir George Rainy: May I intervene for one moment? What is for 12 months is the 25 per cent. surcharge, but the revenue duty, which is equal to the protective duty, is in force without limit of time.

Mr. G. Morgan: I misunderstood, but at the same time it can be changed for a year.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): This can also be changed.

Mr. G. Morgan: But with difficulty. This Bill provides for protection for a period of seven years, and holds out a protective duty for a further period, but it can be of a greater or less amount after due enquiry; that is to say it can be reduced almost to nil, or it can be raised as circumstances make it necessary. So that, I will only repeat that there is no case made out except purely and simply the question of time, which can be got over, and if Honourable Members will devote themselves to short

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speeches and definite points, there is no reason why this Bill should not be finished to-day if Honourable Members put their minds together. There is very little to discuss really. Some of the amendments should not take up very much time, and they are really only slight variations of the Bill which does not affect the principle of the Bill. I suggest Honourable Members should devote themselves whole-heartedly to getting this Bill passed to-day.

Mr. N. M. Joshi (Nominated Non-Official): I am glad that the discussion is proceeding just now. I quite realise that the Bill does not propose to increase the duty on sugar which already exists. But I feel that the problem of the development of industry in India is a very urgent one. The pressure on land in the country in most of the provinces is too heavy. We see a large number of people who do not get sufficient work and especially the agriculturists during many months of the year do not get work. It is therefore necessary that we should treat the problem of development of industries as a very urgent one. I am therefore glad that this Bill not only has been introduced but is being pushed on. In the case of sugar, the Bill will not only develop the industry, but also will provide work for agriculture. The Bill, if properly framed and amended will not only protect sugar but also sugar-cane agriculture. There are one or two points in the report of the Tariff Board with which I do not agree, although I am in favour of development of industries. I would like the development of industries put at the cost of people who can bear the burden of that development. I should like that the people who cannot bear the burden of the tariffs should not be asked to bear that burden. The method of development of industries should be such that the burden upon the poor people will not be heavy and it will fall upon those shoulders which are capable of bearing that burden. The Tariff Board suggests that in the case of sugar protection which they propose, the burden will not fall upon the poor people. They suggest that the burden may be borne by the rich and by the middle class people, because they suggest that the poor people eat more *gur* than sugar and in the case of the rich and the middle class people they eat more sugar and less *gur*. But, Sir the Tariff Board has forgotten one fact, and it is this, that in our country the number of rich people and the number of middle class people can be counted by a few hundreds and they are not as large as in other countries. The Tariff Board also suggests that as sugar is consumed proportionately more by the urban population and less by the rural population, the burden will fall upon the urban and therefore the middle classes and the rich people. Here again I feel that the Tariff Board has not taken note of the fact that in our country the proportion of the urban population is very small indeed as compared with the rural population. I therefore feel that although it is true that the rich and the middle class people proportionately consume more sugar than *gur* and the poor people consume more *gur* than sugar, still on the whole the burden of the sugar protection duty will fall more upon the poor people than upon the rich and middle class people. I therefore feel that the method of developing this industry proposed is not the right method.

Secondly, Mr. President, the Tariff Board has disposed of one suggestion unfavourably, and that is that the Government should take shares in these sugar factories. I myself feel that if an industry is to be developed by proper methods, the State must have control over the protected

industries. Unless the State has control over the protected industries, the incidence of the burden will not be made to fall upon those shoulders which can bear that burden; and in order that the State should have control over the industry, it is a much better plan that Government should agree to subscribe to the capital of the sugar factories if they will not agree to establish sugar factories themselves. If they subscribe to the capital of the sugar factories, it is only then that they will be able to control the sugar factories much better. I therefore feel that if the sugar industry is to be developed in a proper manner, it is much better that the Government by some method should get control over the sugar industry. It is to keep control over the imports and exports of the industry generally, that industries have been developed very rapidly in Russia. There is no other method by which industries can be rapidly developed unless Government themselves undertake the work of developing these industries. Now the Russian method is so successful that other countries have begun to adopt their five-year and ten-year plans. But these plans can be made if Government have got control over these industries. In the case of tariffs the incidence of the taxation or the burden falls indefinitely. We do not know exactly how it falls, and we cannot make it fall upon those shoulders where we would like it to fall. That is the disadvantage of trying to develop industries by means of protective duties as has been suggested by the Tariff Board's report as regards sugar. I would have certainly preferred a subsidy to the sugar industry instead of tariffs. It is true that in the case of a subsidy you have to find money to give the subsidies. But even in the case of a tariff, the burden falls upon the people in the country. Similarly if it is proposed that the industries should be developed by subsidies, the burden will fall on the people. The only difference is this, that in the case of subsidies we can, by means of proper taxation, throw the burden upon people who can bear that burden. Secondly, there is an advantage in the case of subsidies, and that advantage is that in the case of tariffs, the poor people really do not know that it is they who pay for the protection, whereas in the case of subsidies everybody in the country knows that he is paying for the development of that industry. Sir, this knowledge is of great use because if people are paying for the protection of sugar and if they know that they are paying for the protection of sugar, interest in the industry will be developed in the manner in which people want it to be developed. That can be best done by subsidies, but unfortunately the Bill before us is proposing tariffs; and therefore it is much better that while dealing with the Tariff Bill we should propose conditions by which the people will be able to have control and the protection given to the industry will not be wasted. I would therefore like that, while we give protection to the industry, we should take care of the other interest involved in the industry and in the country, and in that protection should be properly protected. This Bill proposes that the protection should be given first for 7 years and then extended for another period. Now, during this period it is quite possible that the prices of sugar may go up tremendously, and in that case the consumer will have to make a great sacrifice. It is quite true that to-day the prices of sugar are very low but nobody knows what will happen within the next 15 years. The prices may go up, and in these circumstances people will have to suffer great hardships and they will be making sacrifices which may be unnecessary. Therefore in the case of any protection Bill like this, especially if the protection extends over a long period, Government must take power to control the

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prices. Unless Government take that power, the consumer is likely to suffer unnecessarily. It is true that if we want to give protection, somebody has to pay for that protection, but why should we pay for that protection if the protection becomes unnecessary? I therefore feel that in this Bill Government should have taken power to control the prices. Even in England recently when they proposed duties in order to stop abnormal importations into the country, the English Government has taken power to control the prices in that Bill. This Bill for the protection of sugar is equally a Bill which imposes very heavy duties on sugar. It is therefore right that the Government of India should keep control over the prices. I do not suggest that that control will be necessary to be exercised immediately, because to-day the prices of sugar are low. But within 15 years, a period might come when it will be necessary for Government to control the prices. I therefore feel that as the English Act provides for the control of Government over the prices, our Act also should provide for the control of Government over the prices.

Similarly, if we are giving protection to an industry for 15 years as we are proposing to do in the case of sugar, we should insist that our protection will not be wasted. We must therefore lay down a condition that the industry will not waste the resources which it will get during the year of protection. We should therefore insist that the industry should not give dividends beyond a certain limit during the period of protection, and if the industry makes profits beyond a certain limit these profits should be utilised for developing the strength and the position of the industry. We must take some power by which this can be done, and I am sure that when we go into the details of the Bill, I shall be able to show that this can be done. Similarly when we are protecting an industry, we are doing it in order that Indians should get the benefit of employment. We must therefore lay down a condition that if the industry is to be protected by the sacrifices of the people in this country, then that industry must provide employment for Indians. There are several conditions which I would therefore lay down in order that the industry should get protection and the industry should be developed in the interests of the country. But as I have an amendment on the paper, I do not wish to go into the details of this amendment. I will only say this, that we are all anxious that the industry should be developed in our country, and I am perhaps as anxious; if not more, for the development of industries in this country in the interest of labour; but I am equally anxious that the burden of the protection should fall upon shoulders that are able to bear that burden. I therefore hope that when the Bill is considered, proper conditions will be laid down.

The Honourable Sir George Rainy: Sir, I wish to make a very brief statement by way of a personal explanation. When I announced this morning that the Government would be prepared to accept the amendment, my statement was dictated solely by a desire to meet the convenience and wishes of the House, and to expedite the disposal of business. It appears from what has occurred since then that I did not succeed fully in meeting the wishes of the House, and also that the plan I proposed does not seem to be very successful in the way of expediting the disposal of business. That being so, the Government on the whole think it will be better to revert to their original course and

all I would ask is that when Honourable Members come to the amendments they will make their speeches as brief as is reasonably possible.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, I am very glad to hear that the Honourable the Leader of the House has agreed that this Bill should go through now, and I beg to accord my support to him in the appeal he has made to the House that in the discussion of the amendments there should be as little time wasted as possible. We are all anxious, on this side of the House at any rate, that the Bill should be passed into law, because this House as well as the Indian public generally is committed to the policy of protection. We have to protect our industries if they are to grow at all. Even Mr. Joshi, I was glad to hear, is entirely for protection because he realises that, unless these nascent industries are protected, the interests of labour will also suffer at the same time. Therefore all that I wish to say is this: that we should see to it that the passage of the Bill through the House is expedited and that there be no unnecessary talk.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I rise to associate myself with the observations of the Leader of the Independent Party. Our interest is certainly to pass this Bill as early as possible, so that the sugar industry may be protected, and so protecting the sugar industry may be one of the helpful factors in solving the growing problem of unemployment in the country and giving increased opportunities for labour.

Seth Haji Abdoola Haroon: Sir, I do not want to take up much of the time of the House, as has been suggested by the Honourable the Leader of the House and other Honourable Members; but I want to say a few words. In the observations of Mr. Das and Mr. Joshi before the House, there was some suggestion that there should be some control on the profits on sugar and so on; but I want to tell my Honourable friends that up till now there was no protection, and till now very little sugar was produced in India—only about 100,000 tons last year, and only 19 factories are working at present, and till the end of 1930 the sugar companies were suffering very heavily. Fortunately or unfortunately the Government, owing to their own requirements put on more duties from 1930, and on account of that they are making a little money at present, say 20 or 30 per cent. But I want to draw the attention of my Honourable friends to the fact that, since 1930, the Indian sugar manufacturer was able to sell his sugar at Rs. 11-12 if the Calcutta market was Rs. 11: so they got a little advantage out of the freight. But if you find this year's quotation, it is this; when imported sugar is selling at Rs. 11 at Calcutta, the Indian manufacturers are selling at Rs. 10 a maund in the interior, say in the United Provinces and Bihar; and I want to make it clear that in the next year, as my friend Mr. Das said, about 16 or 18 new factories have been ordered to be erected: and I am glad to inform the House that all these factories have been, to my information, ordered by Indians. Not a single factory has been ordered by foreigners or Europeans according to my information. I say let them be allowed to start manufacturing, and then all these ideas of control and license and taking the profits can be seen to afterwards. Let us see how they are spending in the next one or two years and then you have the right to do whatever you like; but at present, if you postpone the Bill, it will do great harm to the industry and to the country. With these few words I am opposing the postponement of the Bill.

Lala Hari Raj Swarup (United Provinces: Landholders): Sir, I am glad that the Leader of the House has said that he will proceed with the Bill just now and not postpone it till the Simla Session. From the speech of my Honourable friend, Mr. Sykes, yesterday I gathered that his idea was not only to postpone the Bill, but to shelve it for all time to come. The chief argument he advanced for postponing it was that sufficient time was not given to the consumers and to the growers of cane to discuss the various provisions of the Bill and the recommendations of the report. I may inform the House that the report was out as early as last year and that it has been before the country for over a year; the draft Bill was also presented before this House in the beginning of this session and the Select Committee's Report and the final Bill has been before this House for more than a month; and so under these circumstances there is no force in the argument for postponing this Bill.

As for the main provisions of the Bill I think it is entirely in the interests of the agriculturists that we should pass this Bill in this session. As was claimed by Mr. Morgan, if the sugar industry is not protected and an outlet is not found for surplus *gur*, it is quite certain that the price of *gur*, which is already low, will go down to less than a rupee per maund; and it will mean ruin for about 20 million persons who directly depend on the cultivation of cane. The Tariff Board also say that in the whole country about 3 million acres of land is under cane, and on account of the introduction of imported varieties of cane, the output is expected to be exceeded by 50 per cent.; and if no outlet is found for this fifty per cent., the result will be that there will be a depression in the market for *gur*; and so in order to ensure the safety of the cultivator, it is necessary that we should pass this Protection Bill just now. So I oppose the motion of Mr. Sykes for postponement.

The Honourable Sir George Rainy: Sir, I do not think it is necessary for me to reply to the debate.

Mr. President: The question is that the consideration of the Bill be postponed till the September session.

The motion was negatived.

Mr. President: The question is:

"That the Bill to provide for the fostering and development of the sugar industry in British India, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

The question is that clause 2 stand part of the Bill.

The motion was adopted.

Clause 2 was added to the Bill.

Mr. N. M. Joshi: Sir, I move:

"That after clause 2 the following new clauses be inserted and the remaining clauses be re-numbered accordingly:

3. Undertakings engaged in the manufacture of sugar shall submit to the Government of India, if already working not later than 30th April, and if to be established in future, before commencing work, a declaration whereby they pledge themselves to keep prices of the article during the period when such protective duties are in force at such figures as the Government of India may approve.

4. Notwithstanding the passing of this Act the protective duties shall not apply unless the condition laid down in section 3 and the following conditions are found by the Government of India to have been fulfilled:

Undertakings engaged in the manufacture of sugar shall submit to the Government of India not later than the 30th of April in the case of those already working and before commencing work in the case of those that may be established in the future, a declaration whereby they pledge themselves for the financial year during which the protective duties are in force:

- (a) not to pay any fee or equivalent sum to the Directors or management for the said financial year,
- (b) not to pay to shareholders and other participants with limited liability a greater sum by way of annual dividend than what they would get at 6 per cent. on the actual capital invested in the undertaking by the persons concerned,
- (c) to employ any further surplus in consolidating the position of the undertaking in the manner approved by the Government of India,
- (d) not to employ any one who is not an Indian except with the permission of the Government of India; and
- (e) to produce a certificate that the labour conditions in the undertaking are satisfactory from a committee of three persons appointed by the Government of India for that purpose.

5. If an undertaking manufacturing sugar fails to perform its duties under sections 3 and 4 within a fixed period the Governor General in Council may impose on those responsible to perform these duties the penalty of a daily fine not exceeding one thousand rupees."

Sir, the object of this amendment, as I explained in my previous speech, is to lay down certain conditions by which the consumer need not necessarily suffer and the industry may also develop in a proper manner. The first part of the amendment, therefore, proposes that the Government of India should have power to control the prices. I have stated in my previous speech that in the English Act, provision has been made giving power to Government to control prices under certain circumstances. The second part of my amendment provides that while the whole country will be making sacrifices by paying perhaps a hundred per cent. more price than the price which the consumer will pay, it is but proper that the Directors and management of sugar factories should also make sacrifices. Moreover, if the Directors are made to undergo some sacrifices, that will be a natural protection to the consumer, because in that case the Directors will not insist upon the protection being unnecessarily continued. If there is a danger of protection being continued, that danger will also exist in the case of the Directors. They will not get their fees during the period of protection, so that the Directors would like that the protection should cease as early as possible.

Then, Sir, I propose that although the shareholders need not be asked to make all the sacrifices during the period of the protection, still they should not be allowed to use the money which the country will place in the hands of the companies for their own benefit. I hold, Sir, that the surplus money that will remain with the companies should be utilised for strengthening the position of the industry by methods which the Government of India may prescribe.

Then, Sir, another clause proposes that the sugar factories which will receive protection by the sacrifices of the country should not employ non-Indians without the permission of the Government of India. I am not suggesting for a moment that no non-Indians should be employed at all, but what I say is that if non-Indians have to be employed at all in sugar

[Mr. N. M. Joshi.]

factories, they should be employed with the permission of the Government of India.

Then, Sir, the last clause proposes that if the industry is to be protected, then all interests involved in that industry should be properly protected. I therefore propose that during the period of the protection, the company which is engaged in the manufacture of sugar should be asked to produce a certificate to prove that their labour conditions are fair and just. Mr. President, while going through the Report of the Tariff Board, I observed a few things which are very clear. The first thing which is quite obvious is that the wages in India in places which produce sugar are the lowest. The Indian sugar is produced with the lowest wages. That is one fact which has come out very clearly from the Report of the Tariff Board.

Then I see a paragraph in the Tariff Board's Report to the effect that the general labour conditions are fair. I should like to know from the Honourable the Leader of the House what inquiry the Tariff Board made about the labour conditions in the sugar factories before expressing that view; if they had made any inquiry, I should like to know the details. It is not quite right for the Tariff Board to give a general survey of the labour conditions unless they go into the details and place before us full details as to the hours of work adopted, the wages paid, the conditions of labour and such other things. I would therefore suggest to the Government of India that they should issue instructions to the Tariff Board when they undertake the inquiry suggested to make detailed inquiries about labour conditions in the industry.

Then, Sir, I would say only one word before I finish. I am not an expert draftsman. I have placed my views before the House. I quite realise that when a man who is not an expert draftsman drafts a long amendment like the one which I have proposed, there may be a few mistakes. I therefore suggest that the Honourable the Leader of the House and the House as a whole should consider my amendment on its merits instead of going into the technicalities and the small points contained in my amendment. If the principle of my amendment is approved, then certainly it is open to the Government expert draftsman to put my amendment in a proper form. I hope, Sir, the House will accept my amendment.

Mr. S. C. Mitra: I appreciate the high ideal that has actuated my Honourable friend Mr. Joshi to put forward this amendment, but I do not know how we can accept it. The difficulty is that there would be so many factories manufacturing sugar, and if one of the factories failed to comply with one of these requirements, it would mean that the whole of this protection would be withdrawn or should not be enforced. There is also a provision that you should employ no one who is not an Indian. I think it is correct to say that even in Soviet Russia they employ experts from America in order to train their men. There are so many impossibilities in this amendment that I think it will not be practicable to accept it, but I appreciate the high ideal that has actuated the Mover of the amendment.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): I appreciate only one principle underlying this long amendment, and that principle is that the surplus profit, that is, the profit over and

above the bank rate of interest, should not go entirely into the pockets of the shareholders and into the pockets of the managing directors, but it ought to be divided proportionately between capitalists and those persons who helped to produce the profit, and with this principle I am in sympathy. But I cannot endorse the whole of the amendment as it is drafted. So, I beg to oppose this amendment in spite of my sympathy with one of the principle that underlies this Bill.

Mr. G. Morgan: Sir, I regret, however high the principle of this amendment is, that I must oppose it from a practical point of view. My Honourable friends, Mr. Mitra and Dr. Ziauddin Ahmad, have stated the impracticability of applying these amendments to business concerns. The first difficulty would be that my Honourable friend Mr. Joshi wishes to assess all undertakings engaged in the manufacture of sugar. If he goes over all the undertakings which manufacture sugar in India, I do not know what amount the Finance Member would have to put down for administration. I think that would defeat the whole object that Mr. Joshi has in mind. Also when we come to the sub-clause of this amendment, which says not to pay anybody anything, it practically means this. It will defeat the whole object which he is anxious to secure. Capital will not come into concerns of this description. (Mr. N. M. Joshi: "I offer 6 per cent.") Treasury bills were offering 7½ per cent., and why should I take the risk of the sugar market? When I can go to the Finance Member's office, or his treasuries, or whatever you may call it, and can get anything from 5½ per cent. to 7½ per cent. during the year, there is no risk whatever except the risk of India floating away, so why I should invest in sugar concerns? My Honourable friend I am afraid has not thought out in a practical way what this amendment really means, and I would appeal to him to withdraw it before further remarks are made on this subject.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, I wish to associate myself with every word that Mr. Joshi has said in this connection and support his amendment very heartily. In the first place, the sugar industry is only a subsidiary industry. The primary industry is the cultivation of sugar-cane. If the sugar-cane is not cultivated, what will these factories do? They will have to pull down their plants and wind up. So, to keep these factories going you must have a steady and unfailing supply of sugar-cane for which you must ensure a fair price to sugar-cane cultivators. I take it that Mr. Joshi when he talked about regulating the prices, also intended that the prices of raw materials should be regulated and controlled by the Government of India. Mr. Morgan protested that if the dividend is limited to 6 per cent. no one would invest his capital in this industry. With regard to capital becoming shy how can we tax the consumer to enable these capitalists to find safe investments and get a high percentage of interest? The consumer is not interested at all as to who the industrialist is and whether he gets a fair return or not. The other points in the amendment are very reasonable. You will therefore be justified in taxing the consumer with a cent. per cent. duty only if the wider interests of the country are safeguarded. I have therefore no hesitation in supporting the amendment which Mr. Joshi has so ably moved.

Seth Haji Abdoola Haroon: I associate myself with what has fallen from my friends, Dr. Ziauddin Ahmad and Mr. Morgan. My Honourable friend Mr. Thampan wants to fix the price of sugar-cane. I do not think that at

[Seth Haji Abdoola Haroon.]

this moment Government can do anything because there are several provinces, and if you go through the Report of the Tariff Board you will find that Bihar is producing cane at about 4 annas, whereas Bombay does so at 12 annas, and the United Provinces at six annas. And what rate can the Government of India fix? When sugar factories are established, I think it will be advisable for the Provincial Governments to do it, instead of the Government of India. I do not want to say much on this amendment, though I can say something. I oppose the amendment.

The Honourable Sir George Rainy: I think the speeches to which we have listened will have convinced the Honourable the Mover that there is at any rate a considerable body of opinion in the House that is not inclined to accept his amendment.

Mr. K. P. Thampan: Because this is a capitalist House.

The Honourable Sir George Rainy: I am afraid the Government must associate themselves with that body of opinion. We all of us recognise that my Honourable friend has national interests very much at heart, and we appreciate the importance he attaches to doing what is possible for the various interests which may be adversely affected in a scheme of protection. But on this occasion he has asked the House in a single amendment to adopt so many different principles, some of which are highly controversial, and to apply a series of remedies, some of which are surrounded with very great practical difficulties in carrying them out, that I am afraid it is quite impossible for the Government to accept his amendment, and I must oppose it.

Mr. President: The question is:

"That after clause 2 the following new clauses be inserted and the remaining clauses be re-numbered accordingly:

3. Undertakings engaged in the manufacture of sugar shall submit to the Government of India, if already working not later than 30th April, and if to be established in future, before commencing work, a declaration whereby they pledge themselves to keep prices of the article during the period when such protective duties are in force at such figures as the Government of India may approve.

4. Notwithstanding the passing of this Act the protective duties shall not apply unless the condition laid down in section 3 and the following conditions are found by the Government of India to have been fulfilled:

Undertakings engaged in the manufacture of sugar shall submit to the Government of India not later than the 30th of April in the case of those already working and before commencing work in the case of those that may be established in the future, a declaration whereby they pledge themselves for the financial year during which the protective duties are in force:

- (a) not to pay any fee or equivalent sum to the Directors or management for the said financial year,
- (b) not to pay to shareholders and other participants with limited liability a greater sum by way of annual dividend than what they would get at 6 per cent. on the actual capital invested in the undertaking by the persons concerned,
- (c) to employ any further surplus in consolidating the position of the undertaking in the manner approved by the Government of India,
- (d) not to employ any one who is not an Indian except with the permission of the Government of India; and
- (e) to produce a certificate that the labour conditions in the undertaking are satisfactory from a committee of three persons appointed by the Government of India for that purpose.

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5. If an undertaking manufacturing sugar fails to perform its duties under sections 3 and 4 within a fixed period the Governor General in Council may impose on those responsible to perform these duties the penalty of a daily fine not exceeding one thousand rupees."

The motion was negatived.

Clauses 3 and 4 were added to the Bill.

Mr. B. Das: I move:

"That after clause 4 the following new clause be inserted and the remaining clauses be re-numbered accordingly:—

5 (1) In order to secure that sugar factories in British India shall be developed and controlled in the best interest of India, the Governor General in Council may, by Notification in the Gazette of India, make rules—

- (a) requiring that no person shall own a sugar factory without a licence in that behalf,
- (b) prescribing the qualifications of persons to whom such licences may be granted,
- (c) prescribing the duration and conditions of such licences,
- (d) determining the authority by whom such licences shall be granted, and
- (e) generally to carry out the purposes of this section.

(2) In making such rules the Governor General in Council may provide that a contravention thereof shall be punishable with fine which may extend to five thousand rupees on each occasion."

I have already referred to the subject-matter of this clause in my speech this morning, and my Honourable friend Mr. Morgan also referred to it. I agree partly with my friend Mr. Morgan, that there are difficulties. The Government of India will have to administer this clause if it becomes law. I have little hand in regulating the action of the Government of India. I am not going to say how they will administer it. They administer so many Ordinances and so many enactments, and I do hope that they will so frame their rules and regulations as not to offend their conscience or the conscience of their friends. I do not want to discuss the subject-matter of the clause that has been very often discussed on the floor of the House, but I do not want persons outside the British Empire, who are making large sums of money by selling sugar to India, to come and install sugar factories in India and thereby take advantage of the protection scheme. I know what happened when we gave protection to the match industry. A Swedish match combine came and took advantage. Then we know that the Japanese have purchased some cotton mills in Bombay and they are taking advantage of the cotton mill protection. There is a strong rumour that the shoe making firm of Bata are trying to install factories in India, so that the shoe-makers and cobblers may be put out of their profession and vocation. It is time that as a nation we should try and regulate the special concessions to an industry; owing to the heavy protection to the industry, there is every likelihood of Javanese sugar factories being dismantled in Java and installed here. I understand and appreciate the difficulties, but it is time that the Government of India should make a start, and I think this is the right occasion to make the start.

Mr. K. P. Thampan: Sir, I rise to oppose this amendment. By introducing this amendment my friend Mr. Das is unconsciously giving a weapon into the hands of the Government whom I will not trust with it.

[Mr. K. P. Thampan.]

In Madras, the sugar industry is in the hands of a European company. I know the conditions prevailing in my part of the Presidency and if this amendment is adopted, the Madras Government is sure not to allow hereafter any Indian firm to start a sugar factory to compete with it. We remember, though it was long ago, what happened to the Swadeshi Steam Navigation Company in South India. The Madras Government did their level best at the instance of the Europeans to throttle it, with the result that the company collapsed after a short existence. Though industries are a transferred subject,—excuse my plain speaking,—the Ministers are much worse than the European Executive Councilors in this respect. If Mr. Das' intention is that hereafter no foreigner should be allowed to start sugar factories, and wishes to prevent foreign capital from being used, he should provide specifically for it in the amendment. That would be a better and more direct way of dealing with the subject. I have great objection to this clause being passed.

Lala Hari Raj Swarup: I have great pleasure in supporting the amendment moved by Mr. Das. The danger that Mr. Das apprehends is a very real one. There is a real danger that foreigners, especially from Java, would try to capture this new industry in this country. The Bombay Government the other day appointed a Committee to go into the sugar industry, especially with reference to the Deccan Canals, and the following remarks of that Committee are pertinent in this connection. The Committee says:

"In the meantime, and this warning has come from the Sugar Technologist himself, as well as from other sources, representatives of the Java sugar combines are scouring the country examining the possibilities in order to be ready at the critical moment to swoop down, secure the most suitable sugar factory sites and possibly corner the entire industry. Their financial resources appear to be unlimited. Their experience in the production of sugar cane and in the manufacture of white sugar and their hold on the white sugar market place them in a position to make it almost impossible for the Indian to compete with them for some years to come."

Some members of the Committee admit that the industry is in danger of being monopolised by foreigners and think that if the industry is to be saved for Indian interests immediate action by the Central Government is imperative. Sir, the Bengal National Chamber of Commerce issued a circular the other day in which they mentioned that Mr. Thomas Batty, the famous sugar manufacturer, is planning to build a huge factory near Calcutta in order to take advantage of the high tariff wall. We discussed this question in detail in the Select Committee also, but we found certain difficulties on account of which we could not incorporate this clause in the Bill because the whole principle of commercial discrimination is under discussion by the Round Table Conference and some of the members think that it would be better to await the decisions of that body. But I differ from that view and I agree with my Honourable friend Mr. Das, that we should safeguard the Indian industries and the interests of Indians as against the inhabitants of other countries, and especially we have to safeguard ourselves against Java. Sir, with these words I support this amendment.

Mr. S. C. Mitra: Sir, though there may be some substance in my Honourable friend, Mr. Thampan's apprehensions, yet I think I should support the amendment of my friend, Mr. Das. Sir, agriculture is a

provincial transferred subject and mostly in the hands of Indian Ministers and we need not be so apprehensive that everything will be sacrificed in the interests of foreigners. But the Select Committee itself did not lose sight of the fact altogether and in paragraph 4 of their report they say:

"In view of fears which have been expressed that interests outside the British Empire might take advantage of the tariff wall to establish sugar factories in India to the disadvantage of Indian interests, we recommend that the Governor General in Council should watch any developments in this direction with a view to considering whether any action should be taken to prevent control of the industry or of any considerable part of it from falling into foreign hands."

So the Select Committee also provided against contingencies of which mention has been made by my friend, Mr. Hari Raj Swarup; and since the present Act covers a period of 7 years, if some such provision as that proposed by Mr. Das is accepted, that will also provide for some of the points raised in earlier amendments by my Honourable friend, Mr. Joshi, because in granting the license the Government might stipulate that the interests of the labourers should also be secured; and the Honourable the Leader of the House has said that as regards Mr. Joshi's amendment, had it not been a big omnibus amendment, he would perhaps think of accepting some of his suggestions.

The Honourable Sir George Rainy: Sir, why does the Honourable Member ascribe that statement to me? I am quite unconscious of having said anything like it.

Mr. S. C. Mitra: So if this amendment be accepted, then there should be some provision to secure the interests of labour as well as general Indian interests, to a certain extent.

The Honourable Sir George Rainy: Sir, I should like to express my great indebtedness to Members of this House for the brevity with which they have given their views, and I shall certainly strive to imitate them. I think, Sir, the House will easily realize that Government do not find it possible to accept this amendment. As my Honourable friend, Mr. Mitra, has said, the matter was considered by the Select Committee and the view expressed by the majority is what Mr. Mitra read, namely:

"In view of fears which have been expressed that interests outside the British Empire might take advantage of the tariff wall to establish sugar factories in India to the disadvantage of Indian interests, we recommend that the Governor General in Council should watch any developments in this direction with a view to considering whether any action should be taken to prevent control of the industry or of any considerable part of it from falling into foreign hands."

That, Sir, the Government of India are quite prepared to do (Hear, hear); but I do not think it is desirable at this stage that Government should be given the extensive power which the amendment proposes to give them as regards the licensing of sugar factories, since the power sought to be given, especially by clause (c) prescribing the duration and conditions of the license, is a very extensive power indeed. Apart from that, the big question that my Honourable friend wishes to raise in order to prevent the control of the industry from passing into the hands of people outside the British Empire is a very big question which requires separate treatment, I think, if it is ever to be effectively handled. My Honourable friend referred to the match industry, but I should like to point out that

[Sir George Rainy.]

that is rather a special case. That was a case in which a firm—a very remarkable firm—had acquired control over the match industry not in one country or even two or three countries, but in countries all over the world, and I am not aware of any thing similar to that in the sugar industry. And since the conditions in India are such as not to permit of the establishment in India, except possibly in a very few areas, of factories of a magnitude and scale comparable to the factories which exist in Java, it does not seem to me likely that any development in the direction apprehended could proceed otherwise than fairly slowly; that is to say, we should have warning, and I do not think that there is any danger that the development which is apprehended might take place so rapidly that there would be no time left to interfere. For these reasons, Sir, I cannot accept the amendment.

Mr. B. Das: Sir, in view of the controversial nature of the question, I beg for leave of the House to withdraw my motion.

The amendment was, by leave of the Assembly, withdrawn.
Clause 5 was added to the Bill.

Mr. President: The question is that clause 6 stand part of the Bill.

Mr. E. F. Sykes (Bombay: European): Sir, I shall take exactly two minutes over this amendment. Yesterday

Mr. President: Please move your amendment first.

Mr. E. F. Sykes: Sir, I beg to move:

“That for clause 6 the following be substituted:

‘6. Whoever in buying sugar-cane from a grower of sugar-cane pays him a price which is less than eight annas per maund of 82 2/7th pounds avoirdupois shall be punishable by fine which may extend to two thousand rupees for each offence.’”

Yesterday, Sir, we saw that the Tariff Board had adopted fair selling prices, one for cane and one for sugar. They made ample provision that the manufacturer should get his fair selling price, but they made no provision for the grower of cane to get his fair selling price. This amendment I have moved is to fill up the gap in the logical sequence of the Bill. Sir, I move.

Sirdar Harbans Singh Brar (East Punjab: Sikh): Sir, I oppose the amendment notwithstanding the fact that I represent agricultural interests and not the manufacturers of sugar though I feel that the amendment has some force in principle. It is, however, very difficult to put it into practice. The Sugar Committee of 1920 suggested some two or three ways of dealing with it. One of them was that it should have some relation to the price of white sugar, and it is quite a sound principle that the price of sugar-cane should be fixed in relation to the price of white sugar. If we fix the price of sugar-cane as Mr. Sykes wants it, at annas eight per maund, and if tomorrow the price of white sugar falls, what has the manufacturer to do? At this time when we are giving protection as an incentive to the sugar industry and to increase cultivation on up-to-date methods of sugar-cane, I do not think it would be advisable to fix the price at such a figure

arbitrarily. If we do this, the result would be that the people who are now thinking of starting new factories will be prevented from doing so, thinking that it may not be a paying proposition if we fix it too high, because Java sugar at this time has not got enough market due to protection being granted in all countries. So, unless there is a large number of factories established, the demand for sugar-cane will not be great and the price will naturally fall. In Gorakhpur we find even at present, where there are many factories, that the price has actually gone up. The Tariff Board also found at many places the figure had gone up as high as 14 annas a maund due to local competition and therefore it would not be right for us to deprive the cultivator of the benefit of competition between the manufacturers and thus having a higher figure than even 8 annas a maund. It is more or less a local matter and the Local Governments are competent to deal with it. They can make inquiries into it according to the local areas where the sugar-cane is grown and where the factories are established so that the cultivators should have a fair price for the produce according to the demands and the supply in that particular area. I do not want to take up the time of the House and would content myself by saying that it is not proper to arbitrarily fix the figure at 8 annas but to leave it to the Local Governments to do what they think fit in the interests of the cultivator.

Dr. Ziauddin Ahmad: Sir I have very great sympathy with Mr. Sykes in his desire to fix the price level. But I can never imagine that the price level can ever be fixed by penal code. It is really one of those things which could be arranged by an economic measure. If we begin to apply the penal code to fix the price level or if we begin to apply the penal code to regulate the exchange and currency policy, then I am afraid we will not know where we are. What Mr. Sykes is aiming at is a thing which we all desire to have, but it should be achieved by an economic measure and not by penal action which he proposes.

The Honourable Sir George Rainy: Sir, I quite agree with what has fallen from all the Honourable Members who have spoken as to the importance of doing what is practicable to secure a fair price for the sugar-cane grower, but I also agree with the last two speakers that this House ought not to accept my Honourable friend's amendment, firstly, because it is impossible to fix a price which will fit the conditions of all the provinces in India, and, secondly, because the actual enforcement of whatever might be considered a fair price is essentially a local matter. If anything is to be done, I hold very strongly it would have to be done by local legislation and by the Local Governments, and I fear it is quite impracticable to achieve that end by any legislation adopted here.

Mr. President: The question is:

“That for clause 6 the following be substituted:

‘6. Whoever in buying sugar-cane from a grower of sugar-cane pays him a price which is less than eight annas per maund of 82 2/7th pounds avoirdupois shall be punishable by fine which may extend to two thousand rupees for each offence.’”

The motion was negatived.

Mr. President: The question is that clause 6 stand part of the Bill.

The motion was adopted.

Clause 6 was added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

Mr. President: The question is:

"That the Preamble stand part of the Bill."

Mr. B. Das: I do not move my amendment.*

The Title and Preamble were added to the Bill.

The Honourable Sir George Rainy: Sir, I move that the Bill, as amended, be passed. I desire only to thank Honourable Members once again for the admirable brevity of their speeches.

Mr. B. Das: Sir, I feel very happy that this Bill is being passed and that this is the last crowning glory to my Honourable friend Sir George Rainy. Sir, as I observed yesterday, he was the first to be instrumental over the protective measure for steel and, as things are happening at present, probably the Sugar Protection Act will be the last protective measure that will be passed on the floor of this House. It may be that his successors may not find opportunities to give protection owing to the variation in the Legislature and owing to the temperament of the new Legislature. Sir, as probably this is the last piece of legislation that my Honourable friend will bring to a completion in this House, I wish to take this opportunity of saying that I feel very grateful for the sympathetic attitude that he has always adopted in considering very difficult points that we have very often raised during the discussion on protective measures, especially in the case of those issues that raise complicated and complex problems both within and without the British Empire. He has invariably, in his usual humorous and learned way, tried to meet our points and tried to explain the difficulties of the Government. If rumour be true, Sir, my Honourable friend Sir George Rainy will represent India at the Ottawa Conference where some of the very problems that we have discussed under the various protective enactments that are the fruit of the hard labours of the Honourable the Leader of the House will be brought up. And I hope that my Honourable friend, even when he is separated from us by 10,000 miles, will bear in mind the effort that we made always to bring before him the view point of the public and the view point of the masses, and I hope he will then also keep the interests of India at heart.

Sir Abdur Rahim: Sir, in supporting the motion that the Bill be passed, I wish just to say a few words not on the subject of the Bill so much but as regards the Honourable the Commerce Member, who is the Leader of the House. Sir, I wish sincerely to express our very high appreciation of the manner in which he has discharged his duties, very onerous duties, in this Assembly. As the Leader of the House during the years that I have

*"In the preamble to the Bill for the words and figures beginning with the words 'for a period ending with' and ending with the words 'for the remainder of the period' the following be substituted:

'by temporarily increasing the import duties leviable on sugar'."

been associated with this Assembly, I have not noticed a single occasion on which he has not sought to meet our viewpoint and our convenience.

1 P.M. The way he has met us and the pleasant relation which he has maintained with all sections of the House has left a very pleasant impression upon us all. I am sure when he leaves India, he will carry with him the cordial good wishes of all who have been associated with him in this House. I have seen him piloting a number of Bills in this Assembly, and as I am one of the confirmed protectionists, and as protection is the policy which has been deliberately adopted by the country, our special thanks are due to the Honourable Sir George Rainy for the excellent manner in which he has piloted not only this measure (Applause) but also other similar measures. He has shown great ability and skill not only as a Leader of the House, but as a responsible Member in charge of the Commerce Department, and we all hope that in his retirement he will find other means of occupying his valuable time and utilising the very valuable experience which he has gained in the interests of India. (Applause.)

Mr. C. S. Ranga Iyer: My Honourable friend, Mr. B. Das, the Chief Whip of my Party, when speaking on the merits of this question, rightly concluded by paying a rich tribute to the Honourable the Leader of the House who has been very kind in the lobby to us and not very cruel on the floor of the House. (Laughter.) Sir, as the Leader of the House, it has been our necessary duty to measure swords with him, and during the last five years, I can say without any fear of contradiction, that I attacked him sometimes with a rapier and sometimes with a bludgeon. I do not regret those attacks, and if he continues to be the Leader of the House, I promise to continue the same attacks which will be delivered in the same spirit; but when he leaves us, we feel that the parliamentary spirit that he has introduced in this House—and the opportunity for what he was pleased to describe as "genial parliamentary ferocities", for which he too has been responsible by the consistent opposition that he put against us, even sometimes when the Government were in the wrong—we feel that the parliamentary spirit in which he has taught us how to oppose each other will stay behind. Sir, there were occasions when we rose to the heights of parliamentary fervour and he rescued us and his own side from falling into the depths of unparliamentary,—what shall I say,—disfavour. I do not want to praise the Honourable the Leader of the House on this occasion, for I am not concerned with his past any more than in politics one can ever be concerned with the past. So far as his future is concerned, even though we have not yet agreed with him on past occasions, the present is an indication that we will be very much in agreement with each other, for on the question of protection when I gently suggested this morning to him that we would rather pass this measure before we rise for lunch instead of postponing it to Simla, the Honourable the Leader of the House shook his head, thought about it and agreed with us. (Laughter.) That shows that when suggestions that are acceptable to both sides are made, both sides agree to meet each other. He helped this country in introducing protection for sugar and thereby concluded the first Chapter in the Book of Protection. Sir, you are aware that in the last century, the policy of Government was to commit this country to free trade because the British Government was committed to free trade. Curiously enough, it is a happy coincidence that the British people are fast committing themselves to tariffs, following in this particular instance

[Mr. C. S. Ranga Iyer.]

the example set by the Government of India and the Honourable the Commerce Member. Sir, I congratulate him in conquering the hearts of his own people with the help of the opposition to the cause of tariff. (Hear, hear.) I think it will not be too much for me to say—all genuine praise is short—it will not be too much for me to say that from the Treasury Benches the Leader of the House has sometimes, as to-day, led us captive. (Cheers.)

Mr. Muhammad Yamin Khan: Sir, I am glad to get this opportunity of speaking and I welcome this occasion of giving protection to this industry which we, zamindars in India, value a great deal. This Bill, I am sure, will improve the financial condition of a great number of people who are engaged in agriculture. Sugar is an industry which has been thrown into the background for a long time in the past, and this protection which is given by this measure will help in rebuilding that industry which we had in our heart a great deal. This Bill would serve as a real boon to the people of India, and on this occasion I must congratulate the Honourable the Leader of the House in bringing this measure so successfully to a conclusion. His genial spirit and his masterful mind is self-evident, according to an Indian proverb:

"Jadoo woh hai jo sur pay chhurh ke bolay".

Now, Sir, when the praise has come from the Opposition Benches, there could not be more evident proof of the masterful manner in which he guided the destinies in this House. Of course praise from those people who always co-operated with him would not be of such value as praise from those people who sit in Opposition to him. I think it will be a great loss to the House and to the country and to the Government which he so faithfully served when we will find that his seat will not be occupied by him. It is a great conquest which he made in this House since he has been the Leader of the House, that practically on all the important questions in which Government felt very keenly, Government got their way, and a man can be judged always by the achievements which he has made and the net result can be judged by the results of the actions and the achievements which the Honourable Sir George has made in this House. With these words, I conclude.

Mr. G. Morgan: In supporting the third reading of this Bill, a great deal

Mr. C. S. Ranga Iyer: Of sugar to sugar the speeches.

Mr. G. Morgan: The speeches which I have listened to and which have been made from the other side of the House have certainly been sweet and justifiably so. On behalf of the European Group, I would like to say that we have all appreciated the Leadership of this House by my friend the Honourable Sir George Rainy. There is only one thing I am sorry for, as a fellow-Scotchman,—a "brother Scot" as we say. I am sorry if he is going back to a town called Auld Reckie which translated is Edinburgh. If he is going back there, he will have almost a daily regret—I know that town myself—that the sun has disappeared from the sky. I am quite certain there will be many days when he walks along Prince's Street that he will say, "I should like to be back in New Delhi, even in April".

Sir, I associate myself with all the remarks which have fallen from the previous speakers.

The Honourable Sir George Rainy: Sir, I am not sure that the position does not demand that I should ask one of my colleagues to introduce a Bill which might be called the Sir George Rainy (Prevention of Speeches) Protection Bill (Laughter); that, it seems to me, is perhaps the most urgent need of the moment. But, Sir, quite seriously, I am more grateful than I can say to my Honourable friends in all parts of the House for what they have said. No one knows better than myself how little deserved some of these things are. It is true it has been my aim and intention since I became Leader to try, whenever it was possible, to divine what was the general wish and view of the House and see how far I could go to meet it. I was trying it this morning, but I made a bad shot and I had to turn back on my tracks and try it the other way. What I do feel deeply is this, that the Members of this House have made it very plain to me that they do not demand from the Members of the Government perfect performance, but are quite content, where the will and spirit and intention is present, to accept a great deal less than perfect performance as service which they will accept and for which they are grateful. I cannot possibly say more, Sir, but I do assure the House that I very deeply feel the honour they have done me and I am more grateful than I can say.

Mr. President: The question is that the Bill be passed.
The motion was adopted.

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

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

THE FOREIGN RELATIONS BILL—contd.

Mr. President: Further consideration of the Bill to provide against the publication of statements likely to promote unfriendly relations between His Majesty's Government and the Governments of certain foreign States. The House was adjourned yesterday to enable Honourable Members to meet together and settle upon an agreed amendment. Will the Honourable Member the Foreign Secretary explain what has happened?

Sir Evelyn Howell (Foreign Secretary): Sir, I am afraid I cannot promise an agreed amendment, but I shall do my best to explain the position. Yesterday, Sir, with your permission, I moved an amendment which stood in my name as No. 22 on the printed paper, and I did so as a purely consequential amendment. The clause now re-numbered as 3 formed part of the original Bill, and it emerged from the Select Committee substantially unaltered. I did not therefore think it necessary to go into

[Sir Evelyn Howell.]

the merits of the clause at all, and I did not do so; but I moved the purely consequential amendment that in place of certain words certain other words should be substituted. If I have your permission, Sir, now I would like to move a revised amendment in place of that which stands as No. 22; the revised amendment runs as follows:

"That for clause 3 as re-numbered the following be substituted:

"The provisions of sections 99A to 99G of the Code of Criminal Procedure, 1898, and of sections 27B to 27D of the Indian Post Office Act, 1898, shall apply in the case of any book, newspaper or other document containing matter which is defamatory of a Ruler of a State outside but adjoining India or of the consort or son or principal Minister of such Ruler, and tends to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State in like manner as they apply in the case of a book, newspaper or document containing seditious matter within the meaning of those sections'."

That, Sir, is the revised amendment which I now desire to move. It is perhaps necessary for me, in view of what passed yesterday, when the clause as a whole was attacked by my friend, Mr. Munshi, to say a word or two about the clause as a whole, and then I shall give some explanation with regard to those words which figure again in this revised amendment, but were deleted by agreement from clause 2 of the Bill. The provisions of the sections of the Code of Criminal Procedure which have been quoted, and of the Indian Post Office Act are to the effect that the Governor General in Council or a Local Government can impound or confiscate seditious matter or prevent its transmission through the post. The person who feels himself aggrieved by any such order has the right to appeal against it and the appeal comes before the High Court. Firstly, with regard to the necessity for such a provision, I submit that this provision is really more important than the provision for prosecution on a charge of defamation. It seems to me absurd and illogical to authorise the Governor General in Council to launch a prosecution against an individual editor, a man who may perhaps be a very harmless person, and not at the same time authorise him to take steps for the prevention of the very real and very serious mischief which the actions of that person may have caused. The really essential thing is to prevent the dissemination of the libellous matter and that is what this clause enables him to do.

Now, as regards those words "and tends to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State", we personally on the side of Government are not wedded to those words; and if the Opposition prefer to have them out, we are agreed to let them go; but I submit that it is really in the interests of the person concerned that they should stand. The reason why it is in his interest is very simple. If the Governor General in Council is informed of certain matter defamatory of a foreign Ruler having been disseminated, shall we say, in a newspaper article, he can authorise the prosecution of the responsible editor; and if those words are deleted, he can pass an order for the impounding or confiscation of the libellous matter. But should the Editor, supposing it to be his action by which it was disseminated as well as originally published, choose to maintain that the matter, though perhaps defamatory, did not prejudice friendly relations, he would have a second chance of getting his documents released again. That is the substance of the matter in a nut-shell.

Sir, I move.

Mr. President: The Honourable Member wishes to move, instead of the amendment appearing on the order paper, the following amendment:

"That for clause 3 as re-numbered the following be substituted:

"The provisions of sections 99A to 99G of the Code of Criminal Procedure, 1898, and of sections 27B to 27D of the Indian Post Office Act, 1898, shall apply in the case of any book, newspaper or other document containing matter which is defamatory of a Ruler of a State outside but adjoining India or of the consort or son or principal Minister of such Ruler, and tends to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State in like manner as they apply in the case of a book, newspaper or document containing seditious matter within the meaning of those sections'."

I take it that the House agrees to allow the Honourable Member to move the amendment. (No objection was taken.) The amendment is now before the House.

Mr. Jehangir K. Munshi (Burma: Non-European): Mr. President, clause 2 which was passed yesterday by consent has reduced the offence to a simple offence of defamation under section 499 of the Indian Penal Code, the only difference being that the foreign Ruler or his consort or principal Minister, instead of being forced to file and prosecute a complaint personally, will be allowed to do so through the Governor General in Council, authorising an officer to file and prosecute such complaint. Now, when Government accepted yesterday my suggestion to delete those particular words from clause 2, Government in effect agreed to confine the offence to one of defamation pure and simple, with the ingredients of defamation and with the punishment as provided by the existing Statute. Now we find that in the very same Act Government still desire to introduce in clause 3 a new ingredient with further penalties. The new ingredient which Government wish to retain in this Act is the offence of having published something which would tend to strain the relations between His Majesty's Government and a foreign State; and further more they wish to inflict a further penalty on anybody who may be in possession of a particular newspaper, book or document in which such matter is contained.

I contend, Sir, that if the object of the Government of India is only to facilitate the filing and prosecution of a complaint for defamation by a foreign Ruler, then the object has been served by clause 2 being passed in the form we have passed it. We objected yesterday to any question of foreign relations. That was abandoned yesterday by Government; and any attempt now made to pass clause 3 will defeat the very purpose of the compromise arrived at yesterday. (Hear, hear.) I can understand the argument of the Government of India that a foreign Ruler should be placed in an equally strong position as a British subject is if he is defamed in British India. A British subject can file or prosecute a complaint, and now the foreign Ruler is allowed to do so through the Government of India. The accused, in a complaint filed by a British subject is liable to be dealt with under section 499 of the Indian Penal Code, and the punishment is prescribed in Chapter XXI of the Indian Penal Code, and there is no further penalty or punishment of any kind. Now the Government of India want to go a step further and wish to place a foreign Ruler in a better and more privileged position than a British Indian complainant.

[Mr. Jehangir K. Munshi.]

would be in a British Indian Court. To that principle I take strong exception. (Hear, hear.) If against any British Indian subject an offence is committed under Chapter XXI, he has the usual remedy which is restricted to Chapter XXI of the Indian Penal Code. The matter, however grossly defamatory it may be, whether it is published in a newspaper, book or document, cannot be forfeited or seized; and to this extent the Government of India wish to extend a further and additional privilege to a foreign Ruler who has been defamed. I, Sir, object to this clause as it has been worded. As a matter of fact, the clause in the Bill as it has emerged from the Select Committee also must now necessarily go in view of the amended clause 2 passed by the consent of all sections of the House yesterday. I therefore oppose this amendment, and move that clause 3 be omitted altogether, not only clause 3 as amended and moved by my friend the Foreign Secretary but also clause 4 as it has emerged from the Select Committee, because the object of the Government of India, as I understood it yesterday, has been served by a foreign Ruler being given sufficient facility to file and prosecute a complaint of defamation through the Government of India. I object to the introduction of any further ingredients on the imposition of any additional penalties into this Act or to the conferring of any special privileges on a foreign Ruler which any British Indian subject does not enjoy. (Applause.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member cannot move an amendment to this amendment. The Honourable Member is opposing this amendment. The question that clause 3 as re-numbered stand part of the Bill will arise later. At present the amendment moved by the Foreign Secretary is before the House, and the Chair takes it that the Honourable Member is opposing it.

Mr. Jehangir K. Munshi: Yes, Sir, I am opposing the whole clause.

Sir Lancelot Graham (Secretary, Legislative Department): I confess, Sir, I am greatly disappointed with my Honourable friend Mr. Munshi. He persists in attributing most satanic purposes to Government. We took great pains to explain yesterday in the debate on clause 2 that the words which he proposed to omit were really there in the interest of the accused. However, he refused to be satisfied and the words went out. Now, Sir, he says that is the reason why those words must be taken out of the re-numbered clause 3.

Mr. Jehangir K. Munshi: No, no.

Sir Lancelot Graham: I have tried to follow

Mr. Jehangir K. Munshi: I do not know how my Honourable friend has understood me. What I said was that the whole of clause 3 should go, and not that those particular words alone should go and that the rest of the clause should remain.

Sir Lancelot Graham: That makes my task easier. He says that you are now putting the foreign Ruler in a privileged position because you are allowing him to file a complaint by an agent. Now, Sir, let me tell him that is not the purpose of this Bill at all. It is the Government of

India, having regard to their obligations and the need of maintaining peace with the neighbouring States, which requires this power to be exercised by itself as a principal—and not as an agent of a foreign power at all. It is the Government of India, in exercise of their obligations of maintaining peace, which requires this power of prosecuting libels on neighbouring potentates. That is the purpose of clause 2. It is merely as a corollary of that power that we require power to forfeit under sections of the Criminal Procedure Code and to stop in transit under sections of the Post Office Act. As my friend Sir Evelyn Howell pointed out, it is not enough to catch hold of and put into prison the man who emitted the poison. What you have got to do, so far as you possibly can is to run after the poison and collect it again before it runs through the veins of the country. That is the purpose of the Act, and that is the effect of the provision which will enable you to deal with books, newspapers, and so forth. Those are the articles, books, newspapers and other publications which contain the poison ready for dissemination throughout India, and likely to poison the relations of friendliness between India and neighbouring nations. It is that power which we require as a complement to our power to prosecute. If those words were struck out,—the words “and tends to prejudice the maintenance of friendly relations between His Majesty’s Government and the Government of such States”, the task of the Government would be made easier. We have thought it fair to retain this burden upon our shoulders. When we make this order for forfeiture or for stopping in transit, and particularly the order of forfeiture, there is the possibility of an appeal to the High Court, and then the question, whether the article has that tendency or not, will come up for consideration before the High Court. Obviously, Sir, the publisher

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Will it be after the trial for defamation or before it?

Sir Lancelot Graham: That is quite independent of the offence. You may take the sedition procedure under the Code of Criminal Procedure; it is exactly the same position as the sedition procedure. You may prosecute a man for sedition if you think it worth while. There is no obligation to prosecute for the offence, and the power is there under the Criminal Procedure Code to forfeit documents which are seditious, and there is an appeal against that. But it is quite independent. I trust I have made myself quite clear

Sir Abdur Rahim: There will be no trial before the forfeiture is ordered.

Sir Lancelot Graham: There need not be a trial but there may be a trial. You may want to act with promptitude, you may want to forfeit this document before you prosecute. Prosecutions take time; in the meantime the poison runs out into the country. We are not acting as the agent of foreign powers, and we require these powers as supplementary to the powers taken under clause 2. Therefore, Sir, I must press strongly for the acceptance of this amendment.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): In this country it is very well known that libellous matter in several cases has brought about bloodshed. It has been our experience in the last few years that whenever a libel has appeared in the Press or in a book,

[Mr. Muhammad Yamin Khan.]

it has roused them to such anger that certain people committed murder. We had recent trials and recent cases. It is no secret. People in India are very sentimental, and when the libel exceeds the limit, people are enraged so much so that they do not care for their lives. The same feeling may be generated in the mind of a loyal subject of a foreign Sovereign, and it might tend to bloodshed by the subjects of those States who are residing in India. Before this evil spreads, before a libellous matter against a foreign Ruler has been published in the form of a book, or newspaper or sheet or in any other form, if it is forfeited, that will stop the worse calamity befalling. If a man feels aggrieved and says that it was not really a libellous matter and there was no justification for the Government forfeiting it, he can go to the court, and press that it should not have been done. I think this clause is essential for the purpose of keeping the peace and it is only a precautionary measure and this only gives power to stop the worst kind of evil befalling by its publication. I hope that this clause will find support and that my Honourable friend Mr. Munshi will not insist upon opposing it.

Sir Abdur Rahim: Mr. President, I regret that I cannot support clause 3 which is now sought to be amended because of some consequential changes which became necessary owing to the amendment of clause 2. On principle I do not think that we can really justify this clause. As has been pointed out by Mr. Munshi, the offence is now one of defamation pure and simple, the only difference being that in an ordinary case of defamation the person that is defamed has to appear before the court and lodge a complaint. Instead of that, having regard to the circumstances of a case of this nature, Government have undertaken to make the complaint by one of its own officers. But that is only a question of procedure, and it makes no difference as to the substance of the Bill; that is to say, the offence which is sought to be dealt with is one of defamation, although one consequence of such defamation may be to affect the relations of this Government with a Government outside India. The difficulty I am feeling is that before it has been proved that the matter contained in a newspaper article, or any speech, or publication is of libellous character or is defamatory, you want authority to forfeit those publications. It may be when the case is tried the accused may be in a position to prove that as a matter of fact there is nothing defamatory in the publication. But before he has had any chance of doing so, why should it be possible—that is what I understand from Sir Lancelot Graham—for the Government by clause 3 to stop circulation of any newspaper or publication which the Government disapproves of. That is a principle which it is difficult for any one to accept. Of course, if it were provided that after conviction has been obtained, after the writing in question has been found to be defamatory as alleged, then all copies of the newspapers or other publications containing that matter should be stopped from circulating,—one could easily understand that, and one could have no objection on principle to such a provision being inserted in this Bill. But if it be intended, as is apparently the scope of this clause, that even before there has been any trial, before there has been any finding by any court as to the character of the publication, the Government should have the power and authority to ask the postal and other authorities or agencies not to circulate the matter, then in that case it does seem

difficult to justify. I know there is the case of seditious matter, but surely the case of seditious matters stands on a different footing. If sedition is spread in the country, then other people are affected, but that cannot be said with reference to a matter of a purely defamatory character, that is to say, matter which is defamatory of certain individuals, be they foreign potentates or their Ministers or sons or consorts. Seditious matter, if circulated, may create a lot of mischief, but I do not think the analogy applies to a case of this nature. On these grounds I am afraid I am not in a position to support this clause, and I agree with my Honourable friend Mr. Munshi that we ought to oppose it.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): I support the amendment moved by Sir Evelyn Howell. The amendment reduces the harm to a very great extent. There are two parts in the amendment. One is consequential. My amendment having been accepted by the House yesterday, the first part of this amendment is essential now. The second part gives a kind of further protection. The words are, "and tends to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State". It means that the contents of the book or newspaper should not only be defamatory, but they should tend to prejudice the friendly relations also. Further, when any book or newspaper contains any article which may create unfriendly relations it should not be allowed to be circulated. The effect can only be checked by not allowing the book to be circulated. Further if this amended clause is passed, it will be quite possible for Government not to prosecute the person. The Government may decide only to forfeit the book and newspaper which contains such article. If this amended clause be deleted, then there will be no alternative for the Government but to prosecute the person who has written this book. If this amended clause is passed, it will be better than deleting this clause.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): With all respect to my esteemed friends Mr. Munshi and the leader of the Independent Party, Sir Abdur Rahim, I do not see any point in the objections which have been taken to this clause, especially in view of the amendment which has been tabled by Mr. Evelyn Howell. There is a two-fold object to be secured. One is to strike at the author of the defamation. The other is to strike at the document which contains the defamatory matter. The first is secured by clause 2, which was accepted by the House yesterday, and under which it will be open to the Governor General in Council to authorise the prosecution of a man who may be defaming a foreign Ruler or his consort or one of his principal Ministers. The other is secured by the present clause which authorises the confiscation of the defamatory article, and for this purpose provides that certain sections of the Criminal Procedure Code and of the Indian Post Office Act shall apply, as if the matter referred to in those sections included matter for which a prosecution might lie under clause 2 of this Bill. What is the purpose of the Bill? It is to secure the maintenance of friendly relations, rather the prevention of the rupture of friendly relations, between His Majesty's Government and the Government of a foreign Ruler. If that be so, then it will not do merely to proceed against the person who defames. You must also take adequate steps to stop the dissemination of the defamatory matter. Sir Abdur Rahim says that he can understand seizure or forfeiture of a document containing seditious

[Mr. C. C. Biswas.]

libel, but not of a mere defamatory article. But, Sir, when the defamation is of a friendly Ruler across the border and its effect may be to create unfriendly relations, I submit it stands on the same footing as seditious libel. The object of preventing circulation of seditious libel is to secure peace in the country. The object of preventing the circulation of libel of a foreign Ruler is no less important,—to secure peaceful relations between this Government and the other country. So I do not think you can differentiate the one from the other, and say libel of a foreign Ruler is not such a serious mischief as libel directed against the Government of the country. Yesterday, the Assembly agreed to delete certain words from clause 2. I will not say whether those who supported the deletion were well advised in asking for it. In any case, whether those words are there or not, we can take it that Government will not take action under clause 2, and direct prosecution for defamation, unless they are satisfied that there is a real danger of friendly relations being disturbed as a consequence. If Government propose to take action under the clause now under discussion, i.e., under the Code of Criminal Procedure or the Post Office Act, we can take it equally that they will do so, only when they are satisfied that the result of not taking action would be to create unfriendly relations between the two States. From that point of view, for the sake of symmetry Government might well have left out the words which they now seek to put in in this amendment, and have accepted clause 3 in the form in which it stands in the Select Committee's report. But, Sir, the fact that they are suggesting this amendment shows, if anything, that they are very anxious that no reasonable grievance could be made whatsoever. Government, by the amendment they are proposing, are willingly offering to subject their action to scrutiny by the highest Court in the land. If you look at section 99 (d) of the Criminal Procedure Code, you will find that when an order of forfeiture is made under section 99 (a), a party who is dissatisfied with the order has the right to apply to the High Court, and when such an application is made, the whole question is before the High Court because the High Court will have to be satisfied that the matter in respect of which the order has been made is matter of the nature referred to in this amendment. In other words, the High Court will consider not merely whether the publication is defamatory of the foreign Ruler, but also whether it tends to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State. What further safeguard can you possibly or reasonably expect? Government might well have said that the question of friendly relations was a matter for the executive government but no; they themselves suggest that any party aggrieved may take the matter to the High Court and there challenge their action, not merely as to whether there has been defamation, but also whether it is likely to produce a certain effect such as is mentioned here. That being so, I do not see how we can take any exception at all to the amendment. You cannot oppose this clause, much less the clause in the form in which it is proposed to amend it, unless you accept this position, that you will allow all sorts of matter defamatory of foreign Rulers to fly about in the country without check, although that might involve the country in most serious consequences. I say, again, Government have gone a great way in meeting the wishes of the critics of the Bill, and unless we are to give the go-by to the Code of Criminal Procedure and to the Post Office Act, I do not see how on a reasonable and

unbiased view of the matter any one can make any legitimate grievance of the attitude of the Government in this matter.

Mr. S. C. Sen (Bengal National Chamber of Commerce: Indian Commerce): Sir, I do not understand the position. Yesterday

3 P.M. I understood that the principle of the amendment of that section was conceded or accepted subject to the deletion of certain words, namely, the words regarding the effect of a defamatory article in prejudicing the friendly relations between the Government and a foreign power. That was the only objection yesterday, and in fact Mr. Munshi today also raised that objection, but when you pointed out, Sir, that that amounts to an amendment of the amendment, he changed his position and stated that his objection was to the whole section. If those words are taken out, probably Mr. Munshi will accept the amendment. But what are these words, what is the effect of these words? They simply mean that the Government can confiscate provided such defamatory articles containing the defamation also amount to creating a prejudice of the friendly relations between the two powers. That is all. But if you take out these words, what will be the effect? The effect will be that for mere defamation Government can confiscate.

Mr. Jehangir K. Munshi: I rise to make a personal explanation.

Mr. President: The Honourable Member (Mr. Sen) does not yield. The Honourable Member can make the personal explanation after Mr. Sen has finished.

Mr. S. C. Sen: Therefore, I do not understand the position which Mr. Munshi has taken up. If he is acting for the accused or for the benefit of the accused, is it to his interest that the only safeguard which the accused gets in keeping these words should be taken away? The matter can be taken to the High Court. If these words are taken away, what will the High Court have to decide? They will only decide whether the article or book contains a defamatory statement, merely defamatory; but if these words are kept in, then the High Court will have to find not only whether the words are defamatory, but whether the words have the effect of prejudicing the friendly relations between the Government and the foreign power. I put it to Mr. Munshi to consider which is the best thing for the interests of the accused. With these words, Sir, I support the amendment.

Mr. Jehangir K. Munshi: Sir, I rise to make a personal explanation. The Honourable Member who has just sat down, has I think, completely misunderstood what I said. I said that I objected to the whole of the clause because I object to the principle of forfeiture and seizure. There is no question of my accepting any part of the clause after leaving out these particular words. I object to the whole of the clause because I object to the principle of forfeiture and object to any additional penalty by way of forfeiture and seizure. But if that punishment has to be imposed, then the whole of the clause must stand including those particular words.

Mr. N. N. Anklesaria (Bombay Northern Division: Non-Muhammadan Rural): Sir, one would have thought that the principle of prevention being better than punishment was universally accepted and that this House was the last place in which that principle would be called into question and that the Leader of the Independent Party would be the last person to question that principle. (Sir Abdur Rahim: "I have never questioned it.")

[Mr. N. N. Anklesaria.]

Sir, the present measure is not merely a matter of amending the Criminal Procedure Code. It involves the discharge of a very important international obligation which has become very pressing on this country on account of the recent events that have happened. So far as I was able to understand my Honourable friend, Mr. Munshi, in spite of his personal explanation today, I understood him to say yesterday that he wanted merely the deletion of those words which refer to the prejudicing of friendly relations. He however gets up today and says that he did not want only the deletion of those words, but he wants the deletion of the whole clause. Now, the effect of the deletion of the whole clause will be that the measure will be rendered almost nugatory, and it would be useless for the purpose for which it has been undertaken, namely, the prevention of any proceedings or of any acts of individuals in this country which would endanger our friendly relations with the neighbouring powers. Sir, it has been objected that confiscation without trial would be a punishment unheard of in any country of the world. I do admit that the forfeiture provided for by this Bill would be without trial in the first instance, but as my Honourable friend, Mr. Biswas, clearly pointed out, there are safeguards and very important safeguards against that power of the executive being in any way abused in section 99 (b), (c) and (d) of the Criminal Procedure Code. In fact any person who is aggrieved at the orders of the executive in the present connection could apply for redress to the High Court and the High Court can grant him a special Bench in order to decide the whole question. Now, I say what better safeguards could any individual possibly expect? I submit therefore that the opposition to the present amendment has no grounds to stand upon and I therefore support the motion.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I rise to oppose the clause. I was rather surprised at the argument advanced by my friend, Mr. C. C. Biswas. I suppose he has never practised before a Magistrate as he has always practised before the High Court, but I would ask those people who have got experience of Magistrates to consider this fact that the Governor General in Council has declared in the case supposed that a certain document is of a libellous character and immediately after the Government have taken action to confiscate the whole thing. We know what the Magistrates are. The Magistrates, considering that the Government of India have already taken action by confiscation, will find it exceedingly hard, and will need very great courage—and they cannot be said to possess courage equivalent to that possessed by the High Court Judges,—to give a decree in favour of the accused. They will assume and take it for granted that the accused is guilty, or the Government of India would not have taken action and confiscated the whole thing.

The second point which I would like to draw attention to—and I am afraid my friend, Mr. Biswas, did not pay sufficient attention to it—is that according to the principles of jurisprudence, every person should be considered to be innocent unless his guilt is proved. Now, here without giving any opportunity for proof whether the statement is of a libellous character or not, action is taken at once and it is really left for the accused to prove before the High Court that the articles which he has written were not of a libellous character. Therefore, such action which is provided in

this particular clause is against the principle of law, and I do not think it is justifiable to take any action unless the case is proved by law that the article is of a libellous character.

Mr. C. C. Biswas: That is the principle of section 99 A.

Dr. Ziauddin Ahmad: It is just what I am objecting to, that libel should not be confused with sedition. Libel is one thing and sedition is another thing. I am sorry that my Honourable friend, who has been practising as a lawyer, confuses the two issues between libel and sedition, and that is really just the principle on which I am opposing this Bill; we started with libel and ended with sedition. The Government produced the whole Bill on the ground that they are only providing for libellous statement, but in fact they have gone much further. They are extending it to sedition and taking action accordingly.

Mr. Muhammad Yamin Khan: What about libels on the Prophet?

Dr. Ziauddin Ahmad: My Honourable friend is asking what about libels on the Prophet? I am very sorry that he is comparing the foreign Ruler with the Prophet. I have no reply. On the ground that this section confuses the issue and widens its scope, I oppose it.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, I do not agree with my Honourable friend Dr. Ziauddin Ahmad when he says that Mr. Biswas, having practised in the High Courts and having no experience of mofussil courts, has confused himself about sections of the law which are acceptable and those sections which are not acceptable.

Dr. Ziauddin Ahmad: He does not appreciate the mentality of the Magistrates who will try these cases; that is my point.

Mr. Amar Nath Dutt: When you legislate, it is not our business to look to the materials by which the law we enact here will be administered in the country. In fact if that principle were introduced in our legislation, I think we would have various types of legislation for various provinces and Magistrates. I do not know whether my Honourable friend, who held the office of a Magistrate, ever needed special legislation for himself, and I hope he was not one of the class to which he refers as giving wrong judgment.

Dr. Ziauddin Ahmad: I never tried any case. I was a briefless Magistrate.

Mr. Amar Nath Dutt: I was told that the Honourable Doctor practised in the University and not the profession of law. Whatever it may be, I think in my opinion this amendment seems to be a very reasonable one in view of the fact that you have accepted the principle of the Bill and you want to have legislation like this.

Dr. Ziauddin Ahmad: We have not accepted the principle of the Bill.

Mr. Amar Nath Dutt: Not having thrown out the Bill at the consideration stage, I cannot understand the position of my Honourable friend. If your position is that you will have some legislation of this type in order to see that friendly relations between neighbouring States is not disturbed, I think it is to our interest that the law on this point should be as clear as anything. Sir, as for the acceptance of the principles of the Bill, I am always against legislation which restricts human liberty and freedom of speech, but considering the higher interest of society,

[Mr. Amar Nath Dutt.]

considering the present position of India, confronted as we are on our borders by savage tribes and barbarous races, where a single spark may ignite the inflammable material and cause immense mischief to this country, it is to our interest that these neighbours of ours on every side of India should not have reason to think that Government or the people governed by the Government are unfriendly towards them, and if that principle is accepted—of course I am not here saying that I do accept the principle—I think the best thing for us is to have an amendment like this.

An Honourable Member: I move that the question be now put.

Mr. President: The question is:

"That the question be now put."

The motion was adopted.

Mr. President: The question is:

"That for clause 3 as re-numbered the following be substituted:

"The provisions of sections 99A to 99G of the Code of Criminal Procedure, 1898, and of sections 27B to 27D of the Indian Post Office Act, 1893, shall apply in the case of any book, newspaper or other document containing matter which is defamatory of a Ruler of a State outside but adjoining India or of the consort or son or principal Minister of such Ruler and tends to prejudice the maintenance of friendly relations between His Majesty's Government and the Government of such State in like manner as they apply in the case of a book, newspaper or document containing seditious matter within the meaning of those sections."

The Assembly divided:

AYES—54.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. G. S.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Bhore, The Honourable Sir Joseph.
Biswas, Mr. C. C.
Clow, Mr. A. G.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Fox, Mr. H. B.
French, Mr. J. C.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Gwynne, Mr. C. W.
Haig, The Honourable Mr. H. G.
Howell, Sir Evelyn.
Ismail Ali Khan, Kunwar Hajee.
Jawahar Singh, Sardar Bahadur Sardar.
Jog, Mr. S. G.
Lal Chand, Hony. Captain Rao Bahadur Chaudhri.

Maswood Ahmad, Mr. M.
Megaw, Major-General J. W. D.
Moore, Mr. Arthur.
Mutumdar, Sardar G. N.
Mukherjee, Rai Bahadur S. C.
Nixon, Mr. J. C.
Noyce, Sir Frank.
Pandit, Rao Bahadur S. R.
Pillai, Mr. N. R.
Rainy, The Honourable Sir George.
Rajah, Raja Sir Vasudeva.
Rama Rao, Diwan Bahadur U.
Ranga Iyer, Mr. C. S.
Rastogi, Mr. Badri Lal.
Rau, Mr. P. R.
Roy, Mr. S. N.
Ryan, Mr. T.
Sahi, Mr. Ram Prashad Narayan.
Sarda, Diwan Bahadur Harbilas.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Sen, Mr. S. C.
Sher Muhammad Khan Gakhat, Captain.
Singh, Mr. Gaya Prasad.
Sukhray Rai, Rai Bahadur.
Tin Tat, Mr.
Yamia Khan, Mr. Muhammad.
Young, Mr. G. M.

NOES—18.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Azhar Ali, Mr. Muhammad.
Chinoy, Mr. Rahimtoola M.
Ibrahim Ali Khan, Lt.-Nawab Muhammad.
Jadhav, Mr. B. V.
Joshi, Mr. N. M.
Liladhar Chaudhury, Seth.
Misra, Mr. B. N.
Mitra, Mr. S. C.

Muazzam Sahib Bahadur, Mr. Muhammad.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Patil, Rao Bahadur B. L.
Sitaramaraju, Mr. B.
Suhrawardy, Sir Abdullah.
Uppi Saheb Bahadur, Mr.
Ziauddin Ahmad, Dr.

The motion was adopted.

Sir Abdur Rahim: Sir, I beg to move that in clause 3 as re-numbered and amended by this House the following proviso be added:

"Provided that for the purposes of this section the said provision shall be construed as if for the words 'Local Government' wherever they occur, the words 'Governor General in Council' were substituted."

The reason why I move this amendment is that the power to prosecute is vested in the Governor-General in Council, while under sections 99A to 99G of the Criminal Procedure Code the power to forfeit any seditious matter or any matter of that character which is circulated is vested in the Local Government. I submit that, having regard to the scope of this Bill, the proper authority to order confiscation of any defamatory matter which comes within the mischief of the Act should be the Governor General in Council. I understand that Government have no objection.

Sir Evelyn Howell: We have no objection, Sir.

The motion was adopted.

Mr. President: The question is:

"That clause 3, as re-numbered and amended stand part of the Bill."

The motion was adopted.

Clause 3, as re-numbered and amended, was added to the Bill.

Mr. President: The question is:

"That clause 4, as re-numbered, stand part of the Bill."

Mr. M. Maswood Ahmad: Sir, I move:

"That in clause 4 as renumbered for the words 'a member of the family or is a' the words 'the consort or son or principal' be substituted, and for the words 'member or' the words 'consort, son or principal' be substituted."

This is a consequential amendment and there is therefore no need to make a formal speech. Sir, I move.

The motion was adopted.

Sir Evelyn Howell: Sir, I move:

"That in clause 4 as re-numbered after the word 'offence' the words 'upon a complaint' be inserted."

The amendment is purely consequential. Clause 2 of the Bill as amended no longer specifies or defines any offence, and it is the section under which complaints have to be made. I therefore move this amendment.

The motion was adopted.

Sir Evelyn Howell: Sir, the next amendment that I rise to move is:

"That in clause 4 as re-numbered, for the word and figure 'Section 4', the word and figure 'Section 3' be substituted."

This too is a purely consequential amendment and a mere matter of re-numbering.

The motion was adopted.

Mr. President: The question is that clause 4, as re-numbered and amended, stand part of the Bill.

The motion was adopted.

Clause 4, as re-numbered and amended, was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Sir Evelyn Howell: Sir, if my own feelings are any index to yours and those of the House at large, I may assume that your only wish is that I should not detain you one moment longer than is necessary. I can only say that I am exceedingly grateful to many Honourable Members on all sides of the House for the support that they have given to a Bill which is necessarily distasteful in some respects to everybody. I thank them both for their votes and for their abstinence, for their silence and for their speeches. Sir, I move that the Bill, as amended, be passed.

Sir Abdur Rahim: Mr. President, I cannot allow the Bill to go through the third reading without making certain observations. The Bill seeks to create machinery for punishing certain libellous or defamatory statements against foreign Rulers; and we have been deliberating over this Bill as legislators responsible for any legislation in this country. One of the Honourable Members of the Nationalist Party just now, in supporting the amended clause 3, urged as his main argument that India is surrounded by barbarous nations. I should like my Honourable friend the Foreign Secretary to note that, and to tell us whether that is not defamatory of our neighbours. And yet it is mentality like this which is enlisted in support of this Bill.

Our anxiety, the anxiety of the Independent Party, throughout has been to see that the liberty of the Press is not unnecessarily curtailed. We have protested against the provisions of the Bill as it was originally introduced and which were of a far more sweeping character than the present provisions. It was due to our protests that the Bill was considerably modified and has been reduced to a case of defamation, pure and simple, with one exception and that a very important exception, the clause regarding forfeiture. In no case of defamation would any defamatory article or speech be ordered to be forfeited, unless the offence has been proved and unless it has been found by a court of justice that the publication in question is in fact defamatory. Therefore to that extent the Bill does exceed the limits of defamation. It is a great pity that in a matter of this importance communal questions or communal mentality should have come into prominence. I pointed out at the very beginning of the debate on this Bill that there was no question of any one community being more particularly interested or more particularly concerned than any other Indian community; and the least reflection will show that that is so in fact. It is wholly a measure against the liberty of

the Press to comment on foreign affairs, and I for one am strongly of opinion that the Press should have the fullest liberty to comment on foreign affairs. That is the law of all civilised countries and that is the law which we on this side of the House, we at any rate of the Independent Party, want to see firmly established here. But we admit that if a Ruler is defamed or his principal Minister or his Ambassador, then in that case it is only fair that like an ordinary citizen of the country that Ruler should have the means of seeking remedy in our courts. To that extent we agreed; but when we found that the Bill as a matter of fact exceeded those limits, we felt bound to enter our protest. Our protest has been ineffective as we knew all along that it would be. That unfortunately is the position now; but we have considered it our duty nevertheless to enter our protest against it. I am perfectly willing to acknowledge the willingness shewn by my friend the Honourable the Foreign Secretary to reconsider the provisions of the original Bill and his readiness to make any concessions which he considered reasonable. I have no complaint to make against him; but we hold that, so far at least as one important provision of the Bill is concerned, he has not been properly advised; and that is the gist of our objection. We know it is not possible for us to do anything more in this matter, excepting lodge our protest.

Mr. C. S. Ranga Iyer: Sir, except on the question of opposing the circulation of this Bill, which was moved by my distinguished friend from Aligarh (Dr. Ziauddin Ahmad), and associating myself though rather late in the day with one or two observations of the Leader of the Independent Party, I have not had much of a say on this measure; and now that this Bill is travelling very fast into the Statute-book, it is just as well that I from this side of the House sound a note of warning to the Government. This is a Bill which, when it becomes an Act, must be administered with great caution for it involves the liberty of the Press. Sir, we have read in the Statement of Objects and Reasons that the Government have been trying to adhere as closely as possible to the common law of England; but England has responsible government. India is yet to have responsible government. We have always been unwilling on this side of the House to put extraordinary powers in the hands of the executive, and in the present case I call this piece of legislation rather extraordinary in the sense that it is not in the ordinary law of the land, and even in England, a self-governing country, this particular law has always been administered with caution. Sir, the Honourable the Foreign Secretary is no doubt aware of some of the most sensational writings against Queen Victoria's grandson indulged in by the late Mr. Stead, the Editor of the *National Review*, and the Editors of many other Reviews. Mr. Stead himself as the Editor of the *Review of Reviews* indulged in a series of sensational writings casting tremendous reflections on Queen Victoria's grandson 15 years before the war broke out between Great Britain and Germany. No action was taken, and today I am not willing to place that literature before the House lest I should take the time of this House. There was a good deal of sensation in Germany, and I believe the ex-Kaiser, the then Emperor of Germany, stated that such writings would bring about a war, but no action was taken against any English newspaper, review or magazine. Why? Because there is responsible government in England. Sir, somebody said that, "A subject nation has no politics", and we certainly have no foreign politics. That

[Mr. C. S. Ranga Iyer.]

being the case, I would ask the Government, now that this Bill is going to be passed into law, to administer the law with great care and only in cases of proved necessity. Sir, we are however anxious, especially when times are bad and communal feelings are running high, that India must not become the base of operations for any kind of activity against any neighbouring nation or State which may happen to profess a religion entirely different to ours.

Sir, my friend Mr. Amar Nath Dutt appears to have trodden on the corns of the Honourable the Leader of the Independent Party when he used an expression "barbarous nations". He did not individualise a single nation. Between India and the Frontier there is China—a congeries of nations—where there is the barbarism of war. A nation which wages war is necessarily barbarous; when nations indulge in a war they become barbarous. As they are for the time being waging a war, they become barbarous. Again, Sir, when the Honourable the Leader of the Independent Party, rather humorously I should think, suggested that that statement came very nearly within the law of defamation, I could only say that my friend Mr. Amar Nath Dutt did not come even under this Bill which threatens to become law, because he did not name the name of the Ruler of a neighbouring State; he did not name the Ambassador of that State; he did not name the consort or the son of that Ruler. (*An Honourable Member*: "He named them all.") My Honourable friend Sir Abdur Rahim says he named them all. By so naming he went out of the region of defamation because he was generalising and not particularising. Sir, I do not think I should take more time of this House, and so with these observations I resume my seat.

Mr. B. Sitaramaraju (*Ganjam cum Vizagapatam*: Non-Muhammadan Rural): Sir, the Honourable the Leader of the Nationalist Group with the instinct of a journalist has rightly understood the character of this matter when he said that it is directed against the principles on which a public Press ought to stand. I am not quite sure whether he has not been deliberately too late in the day, for had he delivered that speech a little earlier, perhaps the Bill would have taken a different course. . . .

Mr. C. S. Ranga Iyer: Not at all.

Mr. B. Sitaramaraju: However that may be, I would like to point out that this Bill is not the Bill which was originally referred to the Select Committee. It has taken a different form in the Select Committee, and when it has finally emerged into this House it has taken a somersault, and the Bill now before us is not what even the collective wisdom of the Select Committee has been pleased to frame. There is no doubt that this Bill is altered beyond recognition, and it is considered in certain quarters of even this House that the Bill has been improved. Whether the alterations made in this Bill are for better or for worse it is for the country to judge, for I am afraid we have failed to judge them properly on the floor of this House. I am reminded again on this debate of the words which were uttered a few days ago by the Honourable the Finance Member in the course of his Budget speech referring to the Bombay merchants about the passion for self-inflicted wounds. I said on that occasion that it is a malady which has been prevalent on the Government

Bench. Today, I find, Sir, that it is confined not merely to the Government Benches, but this malady of sustaining a passion for self-inflicted wounds has become just as common on this side of the House as it has become on the other side. (*An Honourable Member*: "It is an epidemic.") Sir, I have been making my position very clear from the very beginning so far as this Bill is concerned. I have always been saying that this Bill is a black Bill and however much you may wash it, you can never make it a white Bill, because it is not, as the Foreign Secretary repeatedly told us, the *pukka* born English law on the subject. It is neither the common law of England or the Statute law of America; it is but a miserable half-caste which is being imposed on this country. On an earlier occasion I gave a brief summary of the authority of a great writer on the theory and practice of international law on the subject, and it is not my intention to reiterate what I said then. Nor is it desirable that I should repeat what I said on that occasion. If we are to have this law, let us have it, but let that not be in the name of what it is not and what it can never be. This is a measure primarily intended to strengthen the hands of the executive to fight against any foreign influence complicating the internal situation, and as such a political measure directed against the Press of the whole country without distinction. It is not directed against any particular community; it is directed against the Press of all communities in this country. And if our reason is not prejudiced, if our judgment is not clouded, we can very well see that this measure is intended to affect particularly even all those communities who unfortunately think that they would not be affected by this measure. Such being the measure, I wish to record my emphatic protest. If there is to be only one vote against this motion, that vote shall be mine.

On an earlier occasion, I gave some instances to disprove the proposition that in spite of the repeated assertions of the Foreign Secretary, that whatever might have been the common law of England years ago, that law, bowing to the force of public opinion, had to remain a dead letter in England. The Foreign Secretary attempted to explain away those cases with good humour. He sacrificed reason for good humour and unconsciously has been throughout emphasising my point that there is no Press control in this regard. If I did not cite several instances on that occasion, it is because I did not want to crowd my speech with many details. So far as England was concerned, there are innumerable instances between 1898 to 1910 in particular when the British Press not only exceeded the bounds of international obligations, but even deliberately set at nought the English law of libel, and they were protected by the public opinion of the country that the Government had either to evade the issues or state that they had no control over their Press when indignant protests had been lodged by foreign States. When I cited the German and other instances, the Foreign Secretary said that the Press writer was an obscure one and deplored that the State did not take any action which would have prevented the Great War had they done so. He ignored the Secretary of State's statement that newspapers are not under control, which is the material point in issue. However, if the Foreign Secretary would like, I can give any number of instances, ancient and modern, to prove that whatever might be the common law on the subject, it is obsolete, made so by the force of public opinion, that no Government in England would dare to prosecute a newspaper in this matter. Not only newspapers, but

[Mr. B. Sitaramaraju.]

responsible British statesmen constantly spoke bitterly against the States. I could quote numbers of instances where immoderate abuse and intemperate denunciations of the Soviet regime were made. Speaking in Watford, the Secretary of State for India, Lord Birkenhead, speaking of Moscow and the Soviet Government, declared that they were "a band of murderers and robbers", and this was published in the *Morning Post* of the 22nd June 1925—it is not so old or obscure as the Foreign Secretary said, but recent quotations from British Press. In Bolton, Mr. Churchill called the Soviet Government, "The dark conspirators of the Moscow Kremlin". This was published in the *Daily Telegraph* of the 22nd June, 1926. The Conservative Party at Scarborough on the 17th October, 1926, called the Soviet Government, "A group of international blood-suckers". This was published by the *Morning Post* in its issue of the 18th October 1926. All this when Russia was not an unfriendly power. Where is this Press control? His Majesty's Government's views on Press control are stated as follows:

"His Majesty's Government regret as much as any one that the newspaper press should at times be utilised as the vehicle of international recriminations. But if they had the power to interfere—which it is of course well known that they have not—they would not feel called upon to restrain the public", and so forth.

Another serious objection to the Bill is this. There is no offer of reciprocal treatment assured from those States for whose benefit this enactment is made. It does not fall into line even with an Asiatic power's conception of it. The Persian law under Article 81 of the Persian Penal Code runs as follows:

"Whoever 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 three months to two years, subject to the condition that the Foreign State accords reciprocal treatment in such matters to Persia."

Where is that reciprocal treatment given to us or assured under this Bill? We penalise under this Bill our own people to secure to a foreign State freedom from unwelcome attentions of our Press without affording equality of treatment in this direction in that country.

There is another difficulty. In the case of Indians in the neighbouring States who are there either as permanent settlers or residents for trade purposes, if and when injured by the action of that State, this Bill would prevent the Press in this country from taking up their cause and attacking the conduct of that State.

Further, the only operative clause is clause 2. It went into the Select Committee in one form and came out in another form. On the floor of the House, it turned a clean somersault, and we have a new clause, the result being that judicial control is brought to the narrowest limits, if at all any, worth calling as such. In this connection I would like to make only one observation. A power is either friendly to us or unfriendly. If unfriendly, there can be no question of endangering the relations. If the relations are friendly what possible objection can there be to disclose in a court evidence of matters relating to a State which is friendly? Surely, it cannot be contended that friendly relations cannot be brought to light.

Lastly, another strong objection is that public opinion is powerless to influence the Government in this country, and therefore these drastic

powers are likely to stifle all freedom of the Press in these matters. That alone is sufficient ground for rejecting the Bill.

I would only conclude with the remark that the Bill as it has emerged now is an entirely different Bill altogether, and would it be proper on the part of the Government to push on with this measure without affording an opportunity to the country to have its say in the matter? However, the mood of the Government appears to be to precipitate this legislation with a few alterations regardless of the opinion of the Public. I for one would strongly enter my emphatic protest against the passing of this Bill.

Dr. Ziauddin Ahmad: I express my great regret that, in spite of our repeated protests, this measure will soon become the law of the land. I thought that the Foreign Secretary would probably take a hint from the Leader of the House when he said in the morning, or rather threw a bomb-shell that he wanted to discuss the question of the Sugar Industry Protection Bill at the Simla Session. I thought all the time that it was probably a slip of the tongue and that he really meant the Foreign Relations Bill, which is more contentious than the Sugar Industry Bill.

We have been drawing the attention of the Foreign Secretary to the genuine grievances which we have. Sir, he has not given on the floor of this House any other reason why he introduced this Bill except the one that in order that India may be reckoned among the civilised countries of the world, it is essential that it should have a common law of the type we have in England. That is the only argument which I have heard from the Foreign Secretary in support of his motion to introduce this

Bill. There are many other matters in which we are less civilised than England. I would rather remain less civilised rather than vote for the present Bill. My friend altogether forgot that conditions in India are different from those in England. Our Magistrates are not of the same calibre as the Magistrates in England. In England they are very independent and are above all influences. In India there are Magistrates who cannot go even against the wishes of the Superintendent of Police, not to speak of the Government of India. There are some who show independence of character, but the fact is not forgotten at the time they have to cross the efficiency bar. The Magistrates will find it very difficult to go against the wishes of the Government of India. (Sir Lancelot Graham: "No") My friend sitting on the Government Benches in this Chamber says "No", but if he goes into the country and makes inquiries, he will agree with me. I shall leave this topic here as it is not relevant. I can almost say, as my distinguished friend has just said, that with this law you cannot make black white and white black. I admit that a mistake is a mistake, and though we have removed a good deal of the poisonous effect of the first draft of this Bill, still the poison is there, however much sugar-coated it may be. In this Bill libel is confused with sedition. In the case of libel, I consented so far that if any person publishes any statement which is of a libellous character against the Rulers of adjoining States, action may be taken against him or in other words the Rulers of adjoining States may be put on the same footing as the residents in British India. This particular demand I was quite willing to agree to, but the Bill goes much further than what it claims. Had the scope been restricted to libel, I would have said very little about it, but

[Dr. Ziauddin Ahmad.]

the scope of the Bill is very much wider and goes much further than the objects which the Government had in mind. We know very little about foreign policy and we discuss it very seldom. In future there will always be a great danger of coming under the clutches of this particular law. When we discuss foreign policy, it is impossible to leave out personalities, and when personalities come in, we shall always be in danger of being convicted under this law. Sir, I pointed out at the outset, when I proposed that the Bill might be circulated, that the criticism against a Ruler, who may have taken any action or may have done anything which may be against the tenets of Islam or against the canons of our religion, may be interpreted as sedition instead of libel and prosecution may follow. There we have still to see how this law will be applied in practice. I strongly protest against the transfer of libel into sedition. Considering the enormous troubles we are now facing, is it wise to add one more measure like this for public excitement? It may be that this law may please one or two of the adjoining Rulers, but is it wise to displease a large number of our own subjects in order to please them? I would have very much liked that this Bill had never been brought before us, but it is now becoming law and before I sit down, I want to raise my voice of protest against this particular measure of the Government.

Maulvi Sayyid Murtuza Saheb Bahadur (South Madras: Muhammadan): I cannot congratulate my Honourable friend the Foreign Secretary on his success with regard to this Bill which is soon to become law. In this connection, Sir, I have to say a few words. There is a Persian couplet which runs thus:

*Man az begangan hargiz na nalam ;
Ke ba man herche kard na ashna kard.*

I feel the absence of my Honourable friend Sir James Crerar very much, but there are other Persian scholars who may be able to follow it. Sir, it is intended more for our own Moslem friends than for the Government and it means this. I have no complaint against foreigners who have introduced this Foreign Relations Bill; but so far as our own people are concerned, I have to lodge a complaint against those who have made common cause with the Government as regards this Bill, which is surely calculated to curtail our liberty to a great extent and particularly in matters concerning our religion. This Bill, when passed into law, will play much mischief. It was brought to the notice of the Government that, so far as Persia and other Moslem dominions are concerned, their Rulers may go against the tenets of Islam, and according to this Bill we won't be justified in criticising them because they happen to be Rulers. We will criticise their action at any cost. Even if we have got a law of this kind we will criticise them when they go against the law of the *Shariat*. This Government should take note of. This Act is more than the Sarda Act. It is only a question of degree. There was a time when Syed Jalaluddin, a Moghul, who became a British subject, was running a paper called *Habulwatan*, in the Persian language. He was criticizing the rulers of Persia, the later kings of the family of Khachar, who were enjoying themselves in Paris and London without caring for their subjects. Then the British Government did not come forward to proceed against Saiyyid Jalaluddin of Persia, who was in Calcutta. Again, there was the time when king Amanullah declared himself independent and was the friend

of the Britishers and some articles were being written against him, even then this kind of legislation was not considered necessary.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): He was not on friendly terms with the British Government.

Maulvi Sayyid Murtuza Saheb Bahadur: It is for the Government to say that and not for Nawab Ahmad Nawaz Khan.

Mr. President: Order, order. Please go on.

Maulvi Sayyid Murtuza Saheb Bahadur: Now, all of a sudden our Government began to sympathize with the present Ruler, so much so that they deem it necessary to have legislation of this kind! I may assure the House that not even a single Mussalman here, not even any other Indian community, is against the present ruler of Afghanistan; on the other hand we appreciate him for having brought the civil war to a close and for having established a settled kingdom in Afghanistan (Hear, hear), and yet we do not deem it necessary to have legislation of this kind, which, as has been admitted by the introducer of this Bill, my Honourable friend the Foreign Secretary, is distasteful. Now, I ask my Honourable friend and the Government as to what was the necessity for introducing such a distasteful measure, especially at a time when the whole of India is in a state of confusion and chaos. This goes to prove that the Government do not care for the opinion of Mussalmans. Sir, we see articles in the Press wherein our Mahasabha friends say that the present Government is pro-Muslim, and this is the outcome of pro-Muslimism! (Laughter.) As I have already said, Sir, how can I level a serious charge against the Government when some of our own brethren have made common cause with them? (Laughter.) Here are some friends who want to stand in my way when I say something about this; that goes to prove what kind of temperament they have and what their attitude is.

Major Nawab Ahmad Nawaz Khan: It is all for the good of India and for the good of Mussalmans.

Maulvi Sayyid Murtuza Saheb Bahadur: Yes, I know the mentality of you all. When there was that adjournment motion over the desecration of a mosque here, here are Mussalman gentlemen who went with the Government against the religious sentiments of the Mussalmans, and it is these gentlemen who now come forward to espouse the cause of the Government. (Hear, hear.) I am told it was all done on the authority of Mussalman Magistrates and Mussalman police. Sir, it has always been our contention that whoever he may be, be he a Mussalman, a Christian or a Hindu, the moment he becomes a Government servant, an agent of the Government, he does not care for his religion. He is untrue to his religion, and untrue to his country. (Hear, hear.)

Mr. President: Will the Honourable Member restrict himself to the Bill.

Maulvi Sayyid Murtuza Saheb Bahadur: Mr. President, you know, when one is interrupted unnecessarily, one cannot but deviate from the point. So, Sir, this distasteful and unwarranted piece of legislation is going to be passed, to our grief, and every Member of the Independent Party and many Members of the Nationalist Party have been against this

[Maulvi Sayyid Murtuza Saheb Bahadur.]

measure,—even Mr. Ranga Iyer in his last speech. (*An Honourable Member*: “He is not here now.”) Never mind, he will have the occasion . . .

Mr. President: I would ask Honourable Members not to interrupt the speaker. Time is getting on, and these interruptions have the effect of prolonging speeches.

Maulvi Sayyid Murtuza Saheb Bahadur: So, Sir, this is an uncalled for and unwarranted measure, but the Government have availed themselves of this opportunity when the House is very thin—of course they are carrying the day with them, so I cannot congratulate them, but at the same time I am glad that at least some settlement was brought about between the Leaders of Parties and the Government Members, which however is a poor and sorry consolation to us. With these few words, I resume my seat.

Mr. Muhammad Yamin Khan: Sir, I support the motion of passing this Bill into law. (Hear, hear.) While I support the motion, I cannot help making a few observations on certain remarks which have fallen from some gentlemen who have spoken before me on this motion. (*Some Honourable Members*: “Who are they?”) Sir, I cannot accept for a moment that this Bill has got anything to do whatsoever with any particular religion or any particular community whatsoever. (Hear, hear.) It has been very clearly stated by my Honourable friend, the Leader of the Independent Party, who made quite clear to us his feeling that this Bill as it stands has nothing to do with the Mussalmans or Hindus in particular. It applies to everybody equally; and therefore this question which is dragged in,—that the Mussalmans are averse to this Bill and that Mussalmans do not like that this Bill should be proceeded with—has the effect of unnecessarily dragging the Mussalman question into controversy over a measure which has got nothing to do with them particularly—it has the effect of unnecessarily dragging in the Mussalman question when it was least wanted, when it was least opportune that this kind of controversy should be brought in or dragged on to the floor of the House. Whatever may have been the objections to the Bill as it came before the House in the original shape, certainly, Sir, when it emerged from the Select Committee, it was devoid of any communal or religious objections whatsoever and it came out in the shape that no community or no class of a community can say that it touches them and not touches the others. It touches Mussalmans, Sikhs, Hindus, Christians, Parsis all equally, and we took the greatest care in the Select Committee to that end; and I must congratulate here the spirit of give and take which was shown by my Honourable friend, the Foreign Secretary, and my Honourable friend, the Secretary of the Legislative Department, in this respect. They threw out open arms, Sir, to meet us on this question and to take away all those objections which had been brought forward in the September Session at Simla. When all these objections have been removed and have been made clear, I think it is very unwise that the same question be dragged on even in the third reading, when we know that it has got nothing whatsoever to do with the Bill. My Honourable friend Sayyid Murtuza Saheb may have got some grievance against somebody, whomsoever he may have wanted, or whomsoever he may have thought as his nearer and dearer friends from whom he has got this grievance, and not against foreigners, and I want to tell him, through you,

Sir, that he has no cause for grievance on the score or in the way he wanted to insinuate.

Maulvi Sayyid Murtuza Saheb Bahadur: No insinuation whatsoever, but facts.

Mr. Muhammad Yamin Khan: I am glad that this Bill emerges out of this House, and it is good in two respects; it is essential for the progress and advancement of the country that there should be internal peace, and at the same time it is essential that our neighbours should be contented and there should be no foreign aggression, and that our country should not be involved in any unfriendly relations with our neighbours. That is the essential question for the progress of the country. The main object of the Bill is that it is merely a preventive measure which stops people from disseminating malicious propaganda which might involve the country in bloodshed, money and great sorrow. One clause has just now been adopted by the House by a huge majority. I do not see how any man, who has got the good of the country at heart, can object to this. I do not see how any man who has got political sagacity can ever think of opposing that measure. The second portion, namely, as far as libel is concerned, I could not understand the speeches on the third reading could refer to that, namely, that any decree could be passed against the accused by any Magistrate and so on. I therefore give my full support to the motion that the Bill be passed into law.

(At this stage some Honourable Members rose to speak.)

Mr. President: Do Honourable Members still want to continue the discussion on the third reading?

An Honourable Member: I move that the question be now put.

Mr. President: I accept the closure. The question is that the question be now put.

The motion was adopted.

Sir Evelyn Howell: Sir, I am sure that you do not desire me to detain you for any length of time, and I will endeavour to be as brief as I can. I should like to begin by acknowledging the valuable suggestions which we have had from my esteemed friend, Sir Abdur Rahim, from Mr. Ranga Iyer and from many other Members from many quarters of the House. Those suggestions have been to a great extent adopted and incorporated in the Bill. I think that we on this side of the House may also pat ourselves on the back and say that we too have been good boys about that. Also, I should like to acknowledge the very admirable spirit which has been shown throughout this long debate on all sides of the House. The matter under debate might easily have degenerated into a dangerous and futile controversy. On the whole, I think the debates have been on a high plane, and I should like to congratulate the House on the statesman-like spirit in which it has handled this question. My Honourable friend Mr. Ranga Iyer gave the Government a solemn warning that this measure which they have now put into their armoury, or are in process of so doing, should not be used lightly. I think, on behalf of Government I can give him a full assurance on that point. Governments are not always foolish.

An Honourable Member: Sometimes.

Sir Evelyn Howell: Yes, sometimes, they are foolish. But it is quite clear that no prosecution could be launched under this Act without the consequences of the act being very fully and very thoroughly weighed beforehand. I will not attempt to follow my Honourable friend Mr. Raju through his chromatic scheme of white, black and red Bills. I do not know what the colour of this Bill is, but I will say, however, that in time it may prove its value hereafter, by preventing the presentation to this country of the red bill of War, which is a much more expensive bill. Time alone can show whether the Bill is good or bad, adequate or not, but I can say that we all hope that it will not have to be used very often and I am sure I say this as a personal opinion—that I really believe it is quite possible for any writer to sit down and criticise any foreign Government he likes on any point and no court can ever possibly touch him under this Act, if he handles his pen like a gentleman.

Sir, I move that the Bill, as amended, be passed.

Mr. President: The question is that the Bill, as amended, be passed.

The Assembly divided:

AYES—48.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Ahmed, Mr. K.
Allah Baksh Khan Tiwana, Khan Bahadur Malik.
Anklesaria, Mr. N. N.
Azizuddin Ahmad Bilgrami, Qazi.
Bajpai, Mr. G. S.
Bajpai, Mr. R. S.
Banerji, Mr. Rajnarayan.
Bhore, The Honourable Sir Joseph.
Biswas, Mr. C. C.
Clow, Mr. A. G.
Dalal, Dr. R. D.
DeSouza, Dr. F. X.
Fox, Mr. H. B.
French, Mr. J. C.
Ghoshavi, Mr. A. H.
Gidnev, Lieut.-Colonel Sir Henry.
Graham, Sir Lancelot.
Gwynne, Mr. C. W.
Haig, The Honourable Mr. H. G.
Howell, Sir Evelyn.
Ismail Ali Khan, Kunwar Haidee.
Jawahar Singh, Sardar Bahadur Sardar.

Jog, Mr. S. G.
Lal Chand, Hony. Captain Rao Bahadur Chandhri.
Megaw, Major General J. W. D.
Misra, Mr. B. N.
Moore, Mr. Arthur.
Majumdar, Sardar G. N.
Mukherjee, Rai Bahadur S. C.
Nixon, Mr. J. C.
Noyce, Sir Frank.
Pandit, Rao Bahadur S. R.
Pillai, Mr. N. R.
Rainy, The Honourable Sir George.
Rana Rao, Diwan Bahadur U.
Rastogi, Mr. Badri Lal.
Rau, Mr. P. R.
Roy, Mr. S. N.
Ryan, Mr. T.
Sahi, Mr. Ram Prashad Narayan.
Schuster, The Honourable Sir George.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan Gakhar, Captain.
Tin Tut, Mr.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

NOES—18.

Abdul Matin Chaudhury, Mr.
Abdur Rahim, Sir.
Azhar Ali, Mr. Muhammad.
Chinov, Mr. Rahimtoola M.
Ibrahim Ali Khan, Lt. Nawab Muhammad.
Jadev, Mr. B. V.
Joshi, Mr. N. M.
Maswood Ahmad, Mr. M.
Mitra, Mr. S. C.

Muazzam Sahib Bahadur, Mr. Muhammad.
Munshi, Mr. Jehangir K.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Patil, Rao Bahadur B. L.
Shafee Daoodi, Maulvi Muhammad.
Sitaramarain, Mr. B.
Suhrawardy, Sir Abdulla.
Uddi Saheb Bahadur, Mr.
Ziauddin Ahmad, Dr.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 4th April, 1932.

LEGISLATIVE ASSEMBLY.

Monday, 4th April, 1932.

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

MEMBER SWORN:

Sir Charles Watson, K.C.I.E., C.S.I., M.L.A. (Political Secretary).

QUESTIONS AND ANSWERS.

HOLIDAYS FOR THE HOLI AND DEWALI FESTIVALS.

1111. ***Mr. S. C. Mitra** (on behalf of Rai Bahadur Pandit T. N. Bhargava): (a) Are Government aware that under the Negotiable Instruments Act in some Provinces two days holidays are given each for Holi and Dewali festivals, while in others only one day is given?

(b) Are Government also aware that Holi and Dewali are the most important Hindu festivals?

(c) If the reply to the above questions is in affirmative, do Government propose to issue instructions to all the Provinces that two days holiday be given each for Holi and Dewali festivals?

The Honourable Mr. H. G. Haig: (a) and (b). Yes.

(c) The Government of India do not propose to take action as suggested, as holidays are declared by Local Governments at their discretion under the power vested in them under section 25 of the Negotiable Instruments Act, 1881.

PAYMENT OF DISABILITY PENSIONS FOR MILITARY SERVICE.

1112. ***Mr. S. G. Jog** (on behalf of Sardar Sant Singh): (a) Has the attention of Government been drawn to the Royal Warrant of the 6th December, 1919, and especially to Articles 1 and 9 thereof?

(b) If so, will Government refer to the answer given on the 12th February, 1932, to starred question No. 274, and to the answers given on the 9th March, 1932, to unstarred questions Nos. 141 and 142, and state whether the same principles as are embodied in the above articles have not been followed by the Medical Board held on Indian ranks in deciding the point of attributability of disability to war service? If not, why not? Is it a fact that no provision is made in the Army Regulations governing the conditions brought about by the Great War?

(c) Are Government aware of any case in which a disability was not held to have been attributable to war service or ordinary military service but might have been aggravated by the same? If so, did Government meet the claims of such persons whose disability was aggravated by war service and was not due to the serious negligence or misconduct of the discharged man?

(d) How do Government explain the omission of any question in the Army Form Y-1948 on the point of aggravation? Do Government propose to take any steps to re-examine the cases whose disability was aggravated by the service during the Great War?

(e) Are Government aware of any case in which a man might not have been discharged as medically unfit for further service but his disablement became apparent after his discharge, and was evidently attributable to war service, and not due to his serious negligence and misconduct? If so, have Government awarded such persons with disability pensions?

(f) How do Government account for the omission of any provision on this point of after-discharge disablement in the Army Regulations?

(g) Are Government prepared to consider these cases now?

(h) Is it a fact that there have been cases, where men who were not discharged from the Army as medically unfit for further service, but who were suffering from impairment apparently due to war service, and not due to their serious negligence or misconduct, and who were discharged under some other ordinary military heading? If so, have Government entertained claims of such men for disability pension? ..

(i) Will Government please explain the absence of provision on this matter of impairment in Pension Regulations for the Army in India?

(j) Do Government propose to take any action to have these men medically examined and provided for?

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

(b) to (j). The points raised by the Honourable Member will be investigated and a reply laid on the table in due course.

PAYMENT OF DISABILITY PENSIONS FOR MILITARY SERVICE.

1113. ***Mr. S. G. Jog** (on behalf of Sardar Sant Singh): Will Government kindly state whether persons discharged as medically unfit for further service have been deprived of their claim to disability pensions on the ground of their disability being not attributable to war service? If so, why? Is it a fact in those cases the unfitness was due to risks to which the discharged persons were not exposed in their normal out-door and indoor civil life and that their contracts with Government, as contained in paragraph 1053 of Army Regulations, India, Volume I (1915 edition), provided that they will be given injury pensions for illness contracted on field or foreign service?

Mr. G. M. Young: If the Honourable Member means that persons who have incurred disabilities on field or foreign service have been refused pensions on the ground that the disability was not due to such service, Government are not aware of any such cases. I would suggest, however, that the Honourable Member should communicate to me the specific case or cases that he has in mind. I should then be glad to give him information as to the position under the rules.

Mr. S. G. Jog: Are Government aware that there is a feeling of dissatisfaction amongst the discharged people as regards the interpretation of the words "attributable to war service"?

Mr. G. M. Young: I have received and replied to questions on that point, from which it may be inferred that there is a feeling at any rate of uncertainty on the subject.

Mr. S. G. Jog: May I know under what clause all these cases are decided? Was there a contract between these people who went to the war and the Government as regards provision for giving them pension, etc.?

Mr. G. M. Young: I am afraid I could not answer that question offhand. I should want notice.

Lieut.-Colonel Sir Henry Gidney: Will the Honourable Member inform the House whether a marked difference is made between the treatment regarding pensions given as a result of ordinary service and those due to active service?

Mr. G. M. Young: Will the Honourable Member specify a little more clearly what sorts of pensions he means—disability pensions, family pensions or ordinary pensions?

Lieut.-Colonel Sir Henry Gidney: For instance a man who contracts disease whilst stationed in Peshawar which, say, is the base of field operations, as opposed to a man who contracts disease whilst on actual active service.

Mr. G. M. Young: I am afraid I should have to have notice of that question. I have not the regulations by me.

Mr. S. G. Jog: Is it not a fact that Government make a distinction between three classes of service, field service, foreign service and ordinary military service?

Mr. G. M. Young: Yes, Sir; a distinction exists between these three forms of service.

Mr. S. G. Jog: Is it not the convention that if a man actually in war service contracts a disease, it can be attributable to war conditions at the place where he was serving?

Mr. G. M. Young: That is a very complicated question to which I could not possibly reply in answer to a supplementary question.

Mr. S. G. Jog: May I know what was the constitution of the Medical Board which made inquiries into these applications for pensions?

Mr. G. M. Young: I do not know what particular applications the Honourable Member is referring to. There were hundreds of them.

Mr. S. G. Jog: The constitution of the Board that decides these questions as to what was said to be attributable to war conditions?

Mr. G. M. Young: There is a separate Medical Board on every single disability pension case.

Mr. S. G. Jog: Is it not a nice question as to what is the medical and legal opinion on these cases—whether in law it can be said to be attributable to these causes? Were the medical people competent enough to discuss and decide these questions?

Mr. G. M. Young: Yes, Sir, a Medical Board consisting of professional medical officers is the most competent body to decide the question whether a particular disability was or was not attributable to active service.

PAYMENT OF FAMILY PENSIONS IN RESPECT OF CASUALTIES IN THE GREAT WAR.

1114. ***Mr. S. G. Jog** (on behalf of Sardar Sant Singh): (a) Is it a fact that family pensions to a parent, in respect of death casualties of the Great War were promised by Government irrespective of the conditions whether a parent was or was not dependent on the deceased and whether he or she was rich or otherwise?

(b) If so, are Government aware that practice has come into vogue to investigate, (1) the extent of the parent's dependency on the deceased, (2) his or her income from all permanent sources, (3) the inability or otherwise of other living sons to support the parent; and such investigation has affected greatly the meagre resources of the parent in proving his or her claim to family pension, and causing unusual delay in the completion of the investigation (e.g., letter No. Pen./152, dated the 3rd March, 1932, of the Officer Commanding 2/6th Rajputana Rifles, Ahmedabad)?

(c) Are Government prepared to revise the procedure with regard to first claims of family pensions and see that unusual delay is not caused either in the investigation of the claims or in finally disposing of the same by the pension-sanctioning authority?

Mr. G. M. Young: I have called for the facts of the case referred to in part (b) of the Honourable Member's question. A reply to the whole question will be given in due course.

PAYMENT OF FAMILY PENSIONS IN RESPECT OF CASUALTIES IN THE GREAT WAR.

1115. ***Mr. S. G. Jog** (on behalf of Sardar Sant Singh): (a) Are Government aware that family pensions had been refused to be sanctioned simply because the father, the nominated heir, happened to be in receipt of a service pension earned by himself?

(b) If so, will Government please lay on the table a copy of the definition that they have given to the terms "family pension" and "service pension"?

Mr. G. M. Young: (a) Yes, Sir, a family pension cannot be drawn in addition to any other Government pension.

(b) There is no definition laid down beyond what is contained in the words themselves. A family pension means a pension granted to a

deceased soldier's family. A service pension means a pension which a soldier has earned by service, and draws during his life-time.

DECLINE IN THE EXPORT TRADE OF HIDES AND SKINS.

1116. ***Khan Bahadur H. M. Wliyatullah** (on behalf of Dr. Ziauddin Ahmad): (a) Has the attention of Government been drawn to the figures given below about the import of hides into Germany during the last five years?

(b) Is it not a fact that India has not been able to compete with other countries and that the export trade of hides and skin is falling rapidly? What steps, if any, do Government propose to take to re-establish the export of hide at its old level?

IMPORT OF HIDES INTO GERMANY. A.—Calf and Cow Hides.

	1927.	1928.	1929.	1930.
From	Tons.	Tons.	Tons.	Tons.
Sarr District	1113	767	773	539
Belgium-Luxemburg	1578	1956	1782	1712
Denmark	4387	4147	3370	3494
Finland	2960	2349	2037	2752
France	8575	8930	10630	9582
Great Britain	1163	999	1042	1205
Italy	9110	7918	5691	4941
Lithuania	1422	1397	886	866
Holland	4762	3697	2835	2704
Norway	2137	1584	1195	1554
Austria	806	417	725	2492
Poland	2016	2781	1408	4367
Danzig	637	824	476	296
Sweden	5160	3880	3328	4592
Switzerland	3413	2270	1841	1923
Czecho-Slovakia	1283	1639	2440	4916
Abessinia	754	1154	459	683
British East Africa	457	569	444	..
British South Africa	3821	3816	3208	2633
British West Africa	332	455	348	..
China	9897	10717	6834	5373
Dutch India	3257	3419	2520	1431
Argentina	1048	883	666	704
Brazil	52385	35387	30483	37114
Columbia	14544	11014	10366	11660
Cuba	769	636	1058	996
Guatemala	959	1612	1797	2229
Paraguay	400	450	406	429
Peru	932	1092	653	741
Uruguay	661	640	361	..
Venezuela	6882	6514	4780	6937
U. S. A.	637	463	570	571
Australia	6024	4474	1620	2148
New Zealand	3634	1272	1348	738
		248	619	930

B.—OTHER HIDES AND SKINS, EXCEPTED LAMB—AND SHEEP SKINS AND RAW SKINS FOR FURS.

From	1927.	1928.	1929.	1930.
Tons.	Tons.	Tons.	Tons.	
Belgium-Luxemburg	427	276	268	609
Bulgaria	27	247	194	232
Danmark	749	643		
France	3389	2190	3165	3884
Great Britain	4689	4028	3647	3802
Italy	241	231	213	336
Yugoslavia	314	420	287	180
Holland	1973	1330	1224	1839
Austria	290	217	138	393
Poland	234	219	171	256
Danzig	104	110	54	8
Russia (USSR)	323	108	98	394
Spain	461	527	296	568
Czecho-Slovakia	385	483	614	733
Egypt	478	212	64	
British South Africa	330	426	404	256
Algeria	366	212		
British East Africa		175	450	436
British India	1075	1577	1117	1237
China	279	318	157	181
Dutch India	117	90	77	202
Argentina	1052	410		1835
U. S. A.	798	241	182	213

IMPORT OF HIDES INTO GERMANY.

January—September, 1931.

From	
British India—	
Calf and cow hides	100 kg.
Other hides excepted Lamb—and Sheep Skins and Raw for Furs	32 630
	9 742

The Honourable Sir George Rainy: (a) Government have not seen elsewhere the statistics given by the Honourable Member.

(b) Government are unable to accept without considerable qualification the statement that India is unable to compete with other countries in the export of hides and skins to Germany. So long as the world trade depression persists they do not consider that any action they might take could restore the export of hides to the position which it occupied before the period of depression began.

UNSTARRED QUESTIONS AND ANSWERS.

TAXES AND DUTIES IMPOSED BY THE GOVERNMENT OF INDIA AND BUDGET SURPLUSES AND DEFICITS.

307. Mr. Badri Lal Rastogi: (a) Will Government be pleased to lay on the table a statement showing year by year the amount and rate of import and export duties as well as the fresh taxes that were imposed by the Government of India since the life of the Legislative Assembly, i.e., since the year 1921 up to date?

(b) Will Government kindly state year by year the amounts of deficits or surpluses that came out at the time of each year's Budget up to 1931-32?

(c) Is it a fact that during the last ten or eleven years the Government of India have imposed new taxes to the extent of Rs. 70 crores on the people of India?

(d) If the answer to part (c) be the negative, what is the actual figure?

The Honourable Sir George Schuster: (a) I would refer the Honourable Member to the Finance Member's speech and the Financial Secretary's Explanatory Memorandum in connection with the Budget for each year since 1921-22.

(b) I would refer the Honourable Member to the table on page 1 of the Explanatory Memorandum by the Financial Secretary on the Budget for 1932-33.

(c) and (d). The Honourable Member has apparently based his calculation on the estimates made at the time when changes in taxation were proposed of what extra revenue such changes would yield. In the actual results then estimated receipts were in many cases not realised, and it is extremely difficult now to determine exactly what is, say, in the current year, the yield of increase in taxes made 10 years ago. The important point is to consider actual results. The total amount of tax revenue in 1922-23 was 64.41 crores while the revised estimate for the current year is 68.98 crores.

PERSONS RETURNED TO THE LEGISLATIVE ASSEMBLY BY THE PATNA CUM SHAHABAD NON-MUHAMMADAN CONSTITUENCY.

308. Mr. Badri Lal Rastogi: (a) Will Government kindly state the names of the different Members of the Legislative Assembly who were elected from the Patna cum Shahabad Constituency (Non-Muhammadan) along with the names of the parties they belonged to?

(b) Will Government kindly state the period for which the different Members from that constituency served in the Assembly?

Sir Lancelot Graham: A statement giving the information asked for is placed on the table.

1st Assembly.

Mr. Sachchidananda Sinha, 25th December 1920 to 13th June 1921	No Party.
Babu Ambica Prasad Sinha, 6th August 1921 to dissolution	Democratic Party.

2nd Assembly.

Mr. Ambica Prasad Sinha, 17th November 1923 to dissolution	Swaraj Party.
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3rd Assembly.

Mr. Ambica Prasad Sinha, 18th December 1926 to 4th June 1927. (Death)	Swaraj Party.
Mr. Rajivaranjan Prasad Sinha, 2nd July 1927 to dissolution	No Party.

SHORT NOTICE QUESTION AND ANSWER.

PARTICIPATION OF INDIA IN THE IMPERIAL ECONOMIC CONFERENCE AT OTTAWA.

Mr. C. S. Ranga Iyer: Sir with reference to the recent announcement by the Secretary of State for India that the Government of India would take part in the Imperial Economic Conference at Ottawa next July, will Government be pleased to make a statement explaining what action they propose to take in the matter?

The Honourable Sir George Rainy: The Government of India have agreed to send a delegation to the Imperial Economic Conference which will meet at Ottawa in July next. They have been informed that the principal item on the agenda of the Conference will be the discussion of a policy of trade agreements between different countries of the Empire and they have been invited in particular to consider the question whether, having regard to the new tariff policy of His Majesty's Government in the United Kingdom, Great Britain and India should enter into a tariff agreement embodying a reciprocal preferential regime so designed as to benefit the trade of both countries. The Government of India have accepted this invitation and His Excellency the Viceroy has, with the approval of the Secretary of State for India, appointed the following gentlemen to represent India at the Conference:

Leader—Sir Atul Chatterjee.

Members—Mr. R. K. Shanmukham Chetty,
Sir Padamji Ginwala,
Seth Haji Abdoolah Haroon,
Sahibzada Abdus Samad Khan, and
Sir George Rainy.

If the conclusion of a trade agreement is recommended as a result of the Conference, any changes in the tariff which it may involve will be duly placed before the Legislature for its approval. The Government of India have no wish to put any such changes into effect unless the Legislature is satisfied that they are in the interests of India.

Mr. K. C. Neogy: What instructions are the Government of India giving to this delegation?

The Honourable Sir George Rainy: That, Sir, is a question I am not in a position to answer. I shall be the person to receive instructions and not to give them.

Mr. K. C. Neogy: But the Honourable Member is for the time being representing the Government of India. He has not yet assumed his new office as a member of the delegation?

The Honourable Sir George Rainy: The instructions have not yet been drafted.

Mr. K. C. Neogy: Is the Secretary of State going to give the necessary instructions or the Government of India will give instructions without any reference to the Secretary of State?

The Honourable Sir George Rainy: The Government of India will give the instructions.

Mr. K. C. Neogy: Without any reference to the Secretary of State, may I take it?

The Honourable Sir George Rainy: Unquestionably the instructions will be given by the Government of India.

Mr. K. C. Neogy: I want to know whether there will be any reference to the Secretary of State before the Government of India give their instructions?

The Honourable Sir George Rainy: The Honourable Member, Sir, is, I think, acquainted with the procedure followed in connection with the Tariff Board Reports. There is always communication between the Government of India and the Secretary of State, but the final decision rests entirely with the Government of India. I take it that this is a parallel case.

Mr. C. C. Biswas: May I ask if the constitution of the delegation has been determined on the understanding that the members who compose this delegation will support Imperial Preference?

The Honourable Sir George Rainy: No, Sir; I do not know what the views of the individual members are.

Mr. K. C. Neogy: Will the conclusions of this Conference, so far as they affect India, be placed before this Legislature or the Legislature to be created after the new reforms are introduced?

The Honourable Sir George Rainy: So far as tariff changes are concerned, I have said so distinctly in my answer. The reason why I cannot expand it is because I do not know what other questions may come up at the Conference.

Mr. K. C. Neogy: Will this delegation be authorised to commit India to a definite economic policy?

The Honourable Sir George Rainy: I do not know what definite economic policy exactly my friend refers to.

Mr. K. C. Neogy: Imperial Preference, for example.

The Honourable Sir George Rainy: That involves tariff changes.

Mr. K. C. Neogy: Tariff changes are merely consequential; what I want to know is whether this delegation will be authorised to commit India to the policy itself?

The Honourable Sir George Rainy: I do not know what use the policy would be if you cannot make the consequential changes in the tariff.

Mr. K. C. Neogy: Supposing these matters are thrown out, even then the Government could with its own extraordinary power pass those measures?

The Honourable Sir George Rainy: What I have said is that the Government of India have no wish to put any such changes into effect unless the Legislature is satisfied that they are in the interests of India.

Dr. Ziauddin Ahmad: I understand that the customs duty between the different countries of the British Empire will form the subject of discussion in this Conference; is this correct or not? I should like to know whether the principle of customs duty between the different countries of the British Empire will or will not be considered by this Conference?

The Honourable Sir George Rainy: I do not know whether the Honourable Member was present when I gave the answer originally. Perhaps I may read again one sentence from the answer.

"They have been informed that the principal item on the agenda of the Conference will be the discussion of a policy of trade agreements between different countries of the Empire and they have been invited in particular to consider the question whether, having regard to the new tariff policy of His Majesty's Government in the United Kingdom, Great Britain and India should enter into a tariff agreement embodying a reciprocal preferential regime so designed as to benefit the trade of both countries."

Dr. Ziauddin Ahmad: I am sorry I was a bit late, and so I did not hear the answer when it was first given. I want to know whether this Conference will also consider the question of the protection duty as distinct from the tariff duty, because there are certain commodities on which we want to have a duty for the sake of protection, irrespective of the yield of revenue.

The Honourable Sir George Rainy: It is quite clear, Sir, that the interest of India must come first and that adequate protection to Indian interests must be an essential part of any agreement.

STATEMENT LAID ON THE TABLE.

MEDICAL EXAMINATION OF LADY PASSENGERS EMBARKING AT CALCUTTA FOR RANGOON.

Sir Frank Noyce (Secretary, Department of Education, Health and Lands): Sir, I lay on the table the information promised in reply to question No. 1040 asked by Mr. Jehangir K. Munshi on the 29th March, 1932.

(a) No. Such passengers are not exempt from medical inspection.

(b) Yes.

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

THE INDIAN AIR FORCE BILL.

Mr. G. M. Young (Army Secretary): Sir, I move that the Bill to provide for the administration and discipline of the Indian Air Force, as reported by the Select Committee, be taken into consideration. With

one possible exception, Sir, to which I shall allude later, this Bill consists of detailed administrative provisions which have been taken, as I explained on previous occasions to this House, from existing Acts, the British Air Force Act, which itself is an adaptation of the British Army Act, and the Indian Army Act. There is nothing in these provisions which is new, there is nothing which is untried. All that we had to do in framing this Bill was to select from one or other of the two Acts the particular provisions which would be most useful to an Indian Air Force, and having done so to scrutinise those provisions to see whether any alteration in them was required. The Select Committee have been through the whole of the Bill, clause by clause, I might almost say, word by word, and I should like to take this opportunity of thanking them for the time and the care which they bestowed upon this task. The result of their deliberations is before the House, in the form of a very short and unanimous Report, which recommends seven or eight small amendments in a Bill of 130 clauses. The very minuteness of the alterations recommended is sufficient to show not only how carefully the Committee have carried out their work, but also how little alteration was required in order to adapt the existing disciplinary Acts on which we were working to the purposes of an Indian Air Force. I think that the House may confidently take this Bill in the form in which it has emerged from the Select Committee, and pass it into law.

I should, however, like to say something about the one clause in the whole of this Bill which is new. Clause 9 was inserted in order to provide a statutory guarantee that the rank and file of the new Force should be Indian. This provision was not absolutely necessary. A similar provision, for instance does not exist in the Indian Army Act, but in view of the fact that there is no class composition in this Force, it was felt that some kind of provision was required as a guide to the enrolling officer, and that the provisions should be put in the statute itself. The clause as originally drafted merely repeated the statutory definition of an Indian, but some Members thought that the wording was not definite enough, particularly in view of the fact that the statutory definition of an Indian includes persons who may be of unmixed European descent. Ordinarily of course there would be no legal or moral justification for excluding such persons from eligibility to the Indian Air Force; but it so happens that they alone among statutory Indians are eligible for enrolment in the Royal Air Force, and it was felt that in instituting an entirely new and distinctive Indian Air Force, there was some justification for excluding from eligibility persons who could enrol themselves if they wished in the Royal Air Force. So we had to draft a clause bearing that in mind. One exception may lead to another; and eventually we evolved a clause which is a little more complicated in form than what we originally had before us but which I think is perfectly easy to understand and will be logical in its effect. The persons who are eligible under the amended clause are subjects of His Majesty or of a Prince or Chief in India, who are either of unmixed Indian descent, or if they are of mixed Indian and non-Indian descent, are domiciled in India, or if they are of unmixed non-Indian Asiatic descent, are domiciled in India and their fathers and grandfathers were domiciled in India. This will ensure that only a genuine Indian citizen will be eligible for enrolment in the Force, and I think it is as much as one can impose upon the enrolment officer as a guide. If we went into further details, it would become impossible for an enrolment officer to carry out his statutory instructions.

[Mr. G. M. Young.]

I think that is all that I have to say. As I have said before, this is a long Bill, but it is not new and it is not untried; and I do not think that the House need have any hesitation in accepting it. Sir, I move. (Applause.)

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Motion moved:

"That the Bill to provide for the administration and discipline of the Indian Air Force, as reported by the Select Committee, be taken into consideration."

To this motion there is an amendment from three Honourable Members proposing to postpone the consideration of this Bill to the next Simla session. Before calling upon Mr. Mitra to move his amendment, the Chair should like to inform Honourable Members that it proposes to restrict the debate to the question of postponement only. If the House desires to postpone the consideration of this measure, it would be best if the House discusses and votes upon this one issue only instead of having a joint discussion both on the main motion and on the amendment. If the amendment is carried, the time of the House will be saved, and there will be no discussion on the Bill till it comes up for consideration in the Simla session. If however the House desire to proceed with the consideration of the Bill, that motion will come up for consideration after the amendment has been defeated. I would therefore ask Honourable Members, when the amendment is moved, to restrict themselves to the subject matter of the amendment only. Mr. Mitra.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I move that the consideration of this Bill be postponed till the next Simla session. I shall confine my speech only to this motion and I hope that I shall get a chance to speak on the main Bill later on.

Mr. President: Certainly, if the amendment is defeated.

Mr. S. C. Mitra: I move this amendment from the point of view of the bigger constitutional aspect, because I think the House has now ceased to be representative, and it will not only be the duty of this House to see that all important and contentious measures are postponed to the next Simla session, but you, Sir, as the custodian of the privileges of this House, if you are convinced by my argument that this House has ceased to be representative, should exercise your inherent right of adjourning the House *sine die* on this question. Even looking at the front Benches on the Government side, the Government are represented by only one Honourable Member. On this side, the Leader of the Opposition is absent, the Leader of the European Group is absent, and as I shall later on show, a large number of elected Members are absent. This is due not only to their negligence, but it was announced by the Government that the House would sit till the 24th March, and when we first came, we heard that because there was no Finance Bill to be discussed this year, the Assembly might cease to sit even after the 18th March. Now, the session has been extended. We are now on the 4th April, and we do not know when the House will finally adjourn. There are nine Bills and two Resolutions yet to be discussed. We on this side as much as the public at large regret

that many of the elected Members are often absent. If all the elected Members of the House or the Members of the Opposition cared to attend, they could easily frustrate the Government in bringing forward many of their drastic and obnoxious measures because the two chief principal Parties, namely, the Nationalist Party number 40 and the Independent Party number 30, and there are other elected Members also, and we could get a strength of more than 70 Members, and Government have not carried any measure in this House by more than 50 or 55 votes this session. So, the discredit is due to the elected Members not being present in the House. Now, I am not regretting the absence of Members like Mr. Pandian or Mr. Talib Mehdi Khan, or Thakur Mahendra Nath Shah Deo, or Mr. Gopika Ramon Roy, or Tun Aung, who have been absent for the entire session. But I shall read out the names of 13 Members who did not attend more than one week in this session. They are Diwan Bahadur T. Rangachariar, Mr. A. Hoon, Mr. Narasimha Rao, Mr. Govinda Reddy, Mr. Jaimal Muhammad Saib, Mr. Dumasia, Mr. Aggarwal, Mr. B. R. Puri, Mr. Sadiq Hasan, Mr. Ram Krishna Jha, Mr. Badi-uz-Zaman, Mr. M. R. Puri and Mr. Kyaw Myint from Burma. All these gentlemen were more or less absent. I do not to-day regret their absence, but my point is that there were others here who wanted to attend but they are absent because the session is now being extended beyond any idea of these elected Members. They are Sir Hari Singh Gour, Leader of the Opposition, Sir Hugh Cocke, Raja Bahadur Krishnamachariar, Sir Cowasji Jehangir, Mr. Lalchand Navalrai, Mr. Mody, Mr. D. K. Lahiri Chaudhury, Mr. Bagla, Mr. Raghubir Singh, Mr. A. Das, Lala Brij Kishore, Mr. Triloki Nath Bhargava, Mr. Shah Nawaz, Mr. Makhdom Rajan Baksh Shah, Sardar Sant Singh, Mr. Shafee Daoodi, Mr. Munshi, and several others who were present till recently. I know that it was the punctilious sense of my Leader Sir Abdur Rahim that kept him on here, otherwise he would have gone away a long time ago. When all these gentlemen are absent, do you really think that this House is really representative of the people of India, and can it take up any contentious measure and decide upon it now? Will it be fair to the country, will it be fair to the elected Members? I brought this question to the notice of the Leader of the House, and when he could not see his way to accept it, I have brought it to the notice of this whole Assembly and for your particular attention. It may be argued that Government are getting their troop always in full strength. If you look to the names of the Members on the Government side you will find that 25 per cent. of the names have been changed. Within 24 hours they can replace a Member, as soon as a man happens to be engaged elsewhere or is not physically well. That advantage is denied to this side of the House. I know there is a rule in the constitution when a Member is absent for a very long period, for 60 days, the Government have a right to declare his seat vacant, but so far as I know it was only applied in my unfortunate case when Government arrested me and put me under restraint under Regulation III, and after 60 days they declared my seat vacant as a Member of the Bengal Council. That was the only case so far as I remember in which this rule has been enforced. There are many others who will not care to attend the session for months and months and yet Government will not take any action to secure their presence. If Government are allowed to extend the time of the Assembly as they like, there is a great danger. If the Honourable the Home Member takes it into his head to change the Ordinances into law, they could easily carry the day with the present thin attendance on the non-official side.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadan Rural): With this subservient Legislature, it can happen even if the Assembly is in full strength.

Mr. S. C. Mitra: Even this subservient Legislature defeated Government once or twice in the division when the House was more representative. Even if we look to the European Group, I see they are represented out of ten men by three men. 60 per cent. of the European Group are also absent at this fag end of the session.

Mr. K. C. Neogy: They always vote with Government. That should not be a matter of complaint with you.

Mr. S. C. Mitra: They are also elected Members. Whether they vote with Government or not is not the point. My contention is that the House is not representative owing to the absence of so many elected Members. I hope, Sir, you will allow me to take a little more time on this amendment because I have given notice of a similar motion in connection with all the items. I shall therefore argue the whole case on this amendment. There is a contentious item like the question arising out of the financial separation of Burma. Then there is the Public Suits Validation Bill. Then there is the Road Fund Resolution in connection with the Federation of Shan States and then there are several motions for Select Committee. As regards the Select Committee motions, there is this much to be said that there is a chance in the third reading to throw out the Bills if they are not sufficiently improved in the Select Committee and if the House is not satisfied. Unless these motions are non-contentious, I say they should not be brought up at the fag end of the session and because the House has already been extended beyond the expectations of Members, several have left and others will leave even to-day. Then there is the Partnership Bill, which this House passed and which has been altered in the Council of State and Government are now certain of carrying the amendment in this House.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): It was altered in accordance with the recommendations of this House.

Mr. S. C. Mitra: My point is that the Bill has been altered by the other House, and it is coming back. The House passed it in one shape and now it has been altered and the House is expected to revise its opinion. These are the general grounds on which I say that the House has ceased to be representative. Simply because I move that the Bills be postponed to the next Simla session, it should not be inferred that I am in favour of the exodus. What I mean is that even if a session is held in Simla, these contentious measures should not be brought forward at the end of the session. Then even as regards the question of retrenchment, the more days we sit here, the more expensive it is, because of the conveyance allowance to Members at Delhi, in that respect Delhi is more expensive than Simla.

Mr. K. C. Neogy: That has already been paid.

Mr. S. C. Mitra: My Honourable friend has not followed my point. I am referring to the conveyance allowance paid here/unlike at Simla. you extend the session here, each day costs more.

Mr. C. C. Biswas: As Members have gone away, the expense will be less.

Mr. S. C. Mitra: Most of the arguments that I have advanced in connection with this motion are applicable to subsequent measures and I suggest that all contentious and debatable Bills and Resolutions should be postponed to the Simla session. Sir, I move.

Mr. Arthur Moore (Bengal: European): Although I cannot support the Honourable Member, I do feel that it is very unfortunate that such an important Bill should come before such a very thin House. I regret it because this is one of the greatest measures that have ever been introduced into this Assembly. I think that we are planting to-day a grain of mustard seed from which I hope there will rapidly spring up a great tree in which some very marvellous and wonderful birds of the air will lodge. And I think, Sir, that in the possibly very difficult days that are still to come in regard to India's new constitution, we may find that the fact that the House is now inaugurating a purely Indian Air Force will prove a very decisive factor in a sense which will entirely commend itself to this House. Therefore I am not prepared to agree on the evidence submitted by my Honourable friend that this is a contentious measure.

Mr. S. C. Mitra: Important.

Mr. Arthur Moore: I agree about the importance. My friend referred for example to the fact that this particular group is reduced to a very small numbers. I am sure that Sir Hugh Cocke and the other Members who most unfortunately have had to go away are not prepared to throw the blame for that on any one but themselves, and the last thing that they would wish is that their absence should be made a reason for delaying such an important measure. I feel the same thing with regard to the Leader of the Nationalist Party, Sir Hari Singh Gour, who was the Chairman of the Select Committee and who undoubtedly gave his blessing to the Bill and did not regard it as a contentious measure. My friend Sir Abdur Rahim's party also put on a very distinguished representative of their party, Sir Cowasji Jehangir. He too is unfortunately absent. I am sure Sir Abdur Rahim will agree with me that he would be very sorry that his friend's absence should be made a reason for delaying this very important Bill. There are also a great many practical difficulties which would result, of which we shall probably hear something from the Government Benches. I shall confine myself to remarking that the intention is that this Air Force should actually come into being this summer (Hear, hear), that cadets have been trained at Cranwell, and that unless the Indian Legislature now provides for them, it will not be possible for them to come on the establishment and be paid. Sir, I oppose the amendment.

Mr. Gava Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadan): Sir, I rise to oppose this motion; and I am surprised that a man like my Honourable friend should have made this motion. Sir, my Honourable friend's contention is that this House has ceased to be representative—a contention which cannot hold water. This House is

[Mr. Gaya Prasad Singh.]

as much representative as it was when the Swarajists and the Congress Members left it. If it is not representative, it is incapable of transacting any business, and should the rest of us disappear like other friends whose names he mentioned? In the list which he read out I find the Honourable Member has included the name of Mr. Munshi as being absent, but I find that Mr. Munshi is already there in his seat. He has also mentioned the name of Maulvi Shafee Daoodi. I have seen my Honourable friend this morning, although at this moment he is not in the House. Now this Bill is a non-contentious one, and the time we are devoting to adducing arguments in support of postponement could have been better utilized in examining the provisions of the measure, and seeing it through. Sir, the Air Force Bill and the Broadcasting Bill are two very important measures, and at the same time they are non-contentious in character, and I do hope these two measures will be allowed to pass through in this session. It is not our fault that the House is thin. Sir, the punishment for those who are absent is sought to be visited on those who are present, and who are trying to do their public duty in the best way they can. The date of the commencement of the session is fixed beforehand, but with regard to the termination of the session, it is very difficult to fix a day. That obviously depends upon the business to be done, and on the Members themselves; and if they can retrench their speeches—as my friend, Mr. Mitra, has been trying to make retrenchments in expenditure on the General Purposes Committee—much of the precious time of the House can be saved. (Hear, hear.) (Mr. S. C. Mitra: "You will be a Government Member very soon.") Sir, as soon as a Member happens to differ from my Honourable friend, Mr. Mitra, well, it is quite natural for him to attribute motives. This, Sir, is one of the features that is to be found in a subject race (Laughter),—that honest differences of opinion are never tolerated. Because I want a measure like this, which I hold to be a non-contentious measure, to be passed in this session, my Honourable friend is going to be sarcastic at my expense. Sir, I hope some will be Government Members sitting on that side under the new constitution (Hear, hear), but because I or some other Members may happen to differ from him, it is not proper for my Honourable friend to cast any reflection on us.

Mr. S. C. Mitra: On a point of order, Sir. I have never said that in my speech anywhere.

Mr. Gaya Prasad Singh: Sir, I heard an interjection to that effect. (Mr. S. C. Mitra: "You hear many things.") But I am glad to stand corrected.

Mr. President: Order, order.

Mr. Gaya Prasad Singh: Now with regard to the contention that this House has ceased to be representative. I will recall the fact that when the House was fully attended, my friend, Sir Hari Singh Gour's Resolution—which all will admit was of such supreme importance—was nevertheless defeated by a substantial majority. So if this House has ceased to be representative, my Honourable friends who hold that view should have left this Chamber, and not allowed expenditure of public money to

continue, and then turn round and say that this House is not representative. My Honourable friend has also said that the Honourable the Leader of the House should not allow contentious measures to be brought forward at the fag end of the session. If any new contentious measure be brought forward, it will be time for us to join hands, and oppose that measure; but this Bill was introduced so far back as the 3rd February, 1932. It was referred to the Select Committee on the 6th February, and we are now considering the report of that Committee on the 4th April. Therefore it cannot be said that the Government have sprung a surprise with this measure. I understand that the Indian Air Force is to be constituted during the summer; and it is necessary that the personnel should be selected, and arrangements made as soon as possible. The ordinary Simla session will as usual be held towards the end of August (Mr. Amar Nath Dutt: "Oh, you seem to know everything!"), and if this Bill has to stand over, I think much time will be wasted, and much useful work, which ought to be done with regard to the inauguration of the new Force, will have been left undone. Sir, I therefore oppose this motion.

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam: Non-Muhammadan Rural): Sir, I rise to support this motion for postponing consideration of this Bill. The Honourable gentleman who has now spoken has not told us that the heavens will fall if the consideration of this Bill is postponed to the Simla session. When my Honourable friend, the Leader of the European Group, said that this is an important measure, I entirely agree with him that it is so (Mr. Arthur Moore: "I agree that it is an important measure"), but that is exactly the reason why I should consider that such an important measure consisting of a hundred and odd sections should not be taken up at the fag end of the session, because the point which I understand was made by my Honourable friend Mr. Mitra is, and with which I am in agreement, that a reasonable and fair debate on a motion like this could not be secured at the fag end of the term on account of the thinness of the House. That is not the fault of those Members who are present, as my Honourable friend Mr. Gaya Prasad Singh has said; it is rather our misfortune that they are absent. It is not a charge therefore which can be made against the Government that these Members are absent.—I agree. But my Honourable friend, Mr. Mitra, showed the advantages which the Government have in having their Members always present as they could fill their absent Members' places at any time and the disadvantages from which we on this side suffer. Not only this legislation, but a number of other Bills are now crowded together at the fag end of the term, and my point is that a fair and reasonable debate on this and other motions cannot be secured in these circumstances now when so many people are absent; and so I appeal to you, Sir, as the custodian of the House, that whatever may be the causes for the absence of Honourable Members from this House, nevertheless the House is so thin that it would not be desirable that we should proceed with this legislation as reasonable debate cannot be had. With these few remarks I support the motion.

The Honourable Sir George Rainy (Leader of the House): Sir, I am afraid that Government are quite unable to accept the amendment moved by my Honourable friend, Mr. Mitra.

One of the points he made was that the House were given to understand that the session was going to terminate on the 24th March. I

[Sir George Rainy.]

presume that he refers to the circular dated the 23rd December, 1931 which was issued to all Members. All that is said on the point there is that the Honourable the President of the Legislative Assembly has been pleased to direct provisionally that there shall be meetings of the Legislative Assembly for the disposal of official business on the following days, the last of these days being the 24th March. A circular of that kind issues every session, and directions are asked for from the President up to a certain date, the earliest date by which it is thought possible that the business can be got through. But it is never more than provisional; it does not amount to any sort of pledge that it will not be necessary to sit longer. My experience is that in every session since I have been in this House, it has invariably been necessary to go on sitting longer than the latest date for which directions were originally issued.

Then, Sir, my Honourable friend says that Government should not bring on contentious legislation at the fag end of the session. What was the course the Government have actually taken this session? At the beginning of the session we were told that we ought not to bring on the contentious Income-tax Bill in the first week of the session before Members had assembled and that it was unfair to the House to do so. Now we are told that at the end of the session we should not bring contentious measures because Honourable Members want to go away. That being so, the middle of the session is not large enough to contain all the contentious measures. If both ends of a candle are burnt away, very soon there will be very little left at the middle. But is it a fact that these measures are contentious? At the beginning of the session, in order to meet the wishes of the House, we took the Income-tax Bill later than was originally proposed. We then proceeded with all the Bills which could really be considered—contentious in the ordinary political sense, and the House spent a great deal of time on two of them, namely the Bill to supplement the Bengal Criminal Law Amendment Act, and the Foreign Relations Bill. What remains now is not, I maintain, contentious in that sense at all. Take the case of this particular Bill we have before us. The Report of the Select Committee is dated 8th March. I presume it must have been in the hands of Honourable Members since the 10th March, that is, 25 days ago, with the result that notice has been given of three amendments to one clause although there are 129 clauses in the Bill. What reason can Government have for thinking that the House regards that as contentious? Take the Broadcasting Bill, that is another example. I do not believe for a moment that it is a contentious Bill. Take the Bills that arise out of the Haj Committee's Report. Are they contentious measures? Are they contentious in the sense that there is a strong body of opinion in the House which would refuse even to send them to a Select Committee. I must protest against the view advocated by my Honourable friend. After all this House, if it wishes to discuss as fully as it did and which it was quite entitled to do, one of the measures to which I have referred, then it becomes necessary to sit somewhat longer in order to dispose of the remainder of the work, and I do not think it is unreasonable on the part of the Government that they should ask the House to sit longer when the measures that remain to be discussed by the House are not measures which are contentious, or in which it can be fairly said Government have put them down now in order to secure a majority which otherwise they could not have got. I

do not think there is any one of these Bills now on the programme in which it makes the smallest difference as to their being carried or not carried at what period of the session they are being taken.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Before I put the question, I am not sure whether I need take any serious notice of the appeal which has been made to the Chair. Honourable Members are aware of what happened when the Swaraj Party walked out and the ruling which the Honourable Mr. Patel gave on the first day, modifying it on the following day. I have got the proceedings here, but I do not wish to trouble the House with it. There is, however, one point to which I should like to refer. The Honourable Member has contended that a large number of elected Members have either been absent throughout the session or are absent now. In all democratic countries the responsibility for the discharge of obligations and duties of an elected member is the concern of the electorate. It is the duty if the constituency to call to account its representative who is remiss in the discharge of his duties on the floor of the House. The Honourable Member has asked whether the Chair would allow any very controversial measure to be sprung upon the House at the last moment. The Chair is bound to protect the rights and the privileges of the House (Applause) and if Government ever attempted any such thing without adequate reason, the Chair would take care that the House is not forced to discuss it, but if Honourable Members expect that the Chair would have any sympathy with those Honourable Members who take so much trouble and incur considerable expenditure in getting elected to the House and then do not care to attend to their duties, it is expecting too much. On the present occasion, the Bill, as has been pointed out, has been before the House for a considerable time. The Select Committee has reported upon it but it could not be brought up for discussion earlier because the Chair took care that the House should have an opportunity of fair debate on all questions which were submitted to its decision. Public business has to be done and elected Members are provided with the opportunity of contributing towards it. It is for them to decide whether they will avail themselves of it or not. The Chair trusts that the effect of this discussion will be that Honourable Members will make it a point to be present here to discharge the obligations which they have taken upon themselves.

•• **Mr. S. C. Mitra:** After the remarks that fell from the Chair I beg leave to withdraw the amendment.

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

Mr. President: The House will now proceed to discuss the motion for consideration.

Hon. Captain Rao Bahadur Chaudhri Lal Chand (Nominated Non-Official): Sir, I rise to support the motion for consideration of this Bill. This is one of those Bills which will be welcomed from all parts of the House. It is in fact an earnest of the sincere desire of Government to respect our ambitions and aspirations. I am particularly glad that it has fallen to the lot of a Punjab Civilian, whose connection with the Punjab, the sword-hand of India, can be traced to more than one generation, to steer this Bill through this House. The Bill has not been altered in

[Hony. Captain Rao Bahadur Chaudhri Lal Chand.]

any particulars by the Select Committee, and I hope I shall not be guilty of any breach of rules or etiquette to this House when I disclose that throughout the discussions in the Select Committee the attitude of the Honourable Member, Mr. Young, was that of an Indian.

12 noon. The Bill when passed into law will give us a force which will be wholly Indian from top to bottom, and when we realise the importance of an air force in future warfare, it will be found to be the most important section of the Army of the country. The old days of invasion from land are gone; the old defences are useless and the future wars of the world will be fought in the air. So the formation of an Indian air force, important as it is, is also an index of the trust that Government has in our fighting material. I need hardly refer here to the perfect unanimity with which the report of the Select Committee has been presented before the House, and I hope the House will deal with the Bill in the same spirit of co-operation and trust. Although the Bill is original in its nature yet, as Honourable Members will see, its provisions have been borrowed from the Indian Army Act and the Royal Air Force Act. So it cannot be said that we are enacting methods which have yet to be tried. Sir, at this stage we need not go into details; that we can do when considering the Bill clause by clause. I would only repeat that the Bill is a most welcome measure, and I am sure this is the view that will be taken in all parts of the House. Sir, I support this motion.

Mr. Gaya Prasad Singh: Sir, I rise to accord my whole-hearted support to this Bill. The Bill inaugurates the creation of a new force which hitherto has been non-existent in India. I mean the Indian Air Force. The place of the Indian Air Force has long been taken up by the Royal Air Force. The Royal Air Force is an English force, but a portion of the Royal Air Force has, I understand, been utilised for service in this country. No Indian has hitherto been admitted to the Royal Air Force under statutory rules. This House has been anxious for the creation of a self-contained Indian unit in substitution for the Royal Air Force, and the Bill seeks to prescribe the discipline of the proposed Indian Air Force. The Bill is a non-contentious measure. It will be seen that there are 130 clauses in the Bill, and amendments have been tabled only on one clause, that is, clause 9. I am glad to see that Government in their Statement of Objects and Reasons have laid it down that the personnel of the Indian Air Force will be primarily Indian, and clause 9 of the Bill defines the class of persons to whom this Bill is to apply. Clause 9 says that the person to be enrolled

Mr. President: Would it not be better if the Honourable Member reserved his remarks till amendments are actually moved to clause 9? That is the one clause to which amendments have been proposed.

Mr. Gaya Prasad Singh: I am not going to explain at length the purport of clause 9, but I was merely referring to it in order to show that it has been so drafted as to confine enrolment in the Indian Air Force to persons mainly Indian or of Indian extraction and domicile. I will reserve my remarks on clause 9 till the time when the amendments actually come to be moved. It is a matter of great regret that in many important departments of Government, Indians have hitherto been excluded. They have been excluded from many sections of the Army, from

the military Engineering Department, and many other national activities in the country. From the Royal Air Force, Indians have naturally been excluded because that is an English formation. Now this Bill inaugurates an era when we shall have our Indian personnel and Indian officers in the Air Force, and the Bill merely seeks to prescribe discipline and the punishments that have to be given for breaches of discipline, and so on. I do not think it is necessary for me to explain the other provisions of the Bill, we went carefully into them in the Select Committee. With these few words I accord my whole-hearted support to this measure. (Cheers.)

Mr. S. C. Mitra: Sir, I also generally support this Bill. It is not my contention that it is useless or unnecessary. What I said was that it is a very important measure and I can show that by referring to some of these clauses. Clause 31 deals with death sentences under nine heads; clause 35 deals with mutiny and also prescribes death sentences on three counts.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadian Rural): Why have no amendments been tabled on them?

Mr. S. C. Mitra: I do not say that they are unreasonable; what I say is that it is a very important Bill which provides for many things and in many cases even death sentences have been provided for. I do not say it is unnecessary or that it need be amended but it is an important thing. That is my main point. My Honourable friend Sardar Sant Singh was in the Select Committee and he was very anxious to be present and move his amendment to clause 9, but because of stress of duty he could not stay. But he was most anxious to stay and deal with clause 9. That was one of the grounds why I brought in this motion for postponement of the consideration of this measure. Though they have provided, as my friend Mr. Gaya Prasad Singh said, that the air service should be confined to Indians, they have also provided that anybody who, even though he may not be an Indian, can manage to bring his father along with him from outside the border and declare that they intend to stay here will be entitled to be in this service. I think there is an amendment to this clause, and when that comes up I will argue this point, but it does involve a great principle. In the Civil Procedure Code there is definition of "Indian domicile" and I should like to know why in this case that is departed from and why this facility is given to any man who can bring his father with him and ask him to declare that his real intention is to stay in India. My apprehension is that the practice now obtaining in the Army of recruiting less educated and less cultured units, on the martial races theory, may be followed here. We fear that instead of the provinces supplying their quota, or instead of following the other principle of allowing minorities to have their proper representation, recruitment may as hitherto, be confined to Gurkhas beyond the Indian border or the tribal Pathans from across the frontier. My Leader says they are not recruited now. But, I find that this martial race theory has been followed so far as the Bengalis and Madrasis are concerned. They were considered to be martial races when the English came but

Mr. G. M. Young: May I interrupt my Honourable friend for a moment? My Honourable friend is talking about martial races. I have

[Mr. G. M. Young.]

already pointed out in this House that there is no class composition in the Indian Air Force, and that all Indians are eligible for it. As a matter of fact, three Bengalis have already been recruited.

Mr. S. C. Mitra: I am very grateful to the Honourable the Army Secretary that unlike the Army, in the Air Force there will be no theory of martial races practised and that they have discovered it is a wrong principle. That satisfied me a great deal. I am in general accord with the disciplinary measures suggested in this Bill and I support it.

Mr. B. V. Jadhav: Sir, I rise to support the proposal brought forward by the Honourable the Army Secretary. The formation of an Indian Air Force is very necessary; and we cannot afford to lose any further time; and this Air Force cannot be formed unless there is legislative sanction behind it and therefore it is urgently necessary that this measure should form part of the Statute-book. Modern warfare requires that a country which wants to defend itself should have all its arms properly developed. The air arm has come into prominence since the late war and it has been found as a result of warfare on the North West Frontier that this air force is very useful and is very effective. Therefore it is necessary that this force should be developed as early as possible, and I congratulate Government for taking this step, and also for taking care that it should be formed mainly of Indians. There may be doubts or contentions about the nationality of an individual; but I take it, Sir, that those who are born on the soil ought to be called Indians and they ought to have the first claim. This question need not be taken into consideration at this time. I am in full accord with this measure and I desire that the Air Force should be developed as rapidly as possible. The Government and the Army Department may find that they will be in a position to reduce other branches of the Army, in that way economising money for the purpose of spending largely on the development of the Air Force. I heartily support the measure.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I rise to support this motion. Though this particular Bill contains 130 clauses printed on 34 pages, if we read them carefully, we find that these are not new clauses. They are already in force in other departments of the Army, and we have had no complaint in the working of these sections. They have been carefully examined by the members of the Select Committee and the only serious objection that was raised was to clause 9, which we discussed day after day, and not less than ten different drafts were laid before the Committee and they were discussed at one stage or another and finally we came to some agreement; and as is the case with all compromises, it does not please everybody, but at the same time it did not displease anybody; and all the members of the Committee gave their unanimous consent to the draft which is now embodied in this particular Bill; and therefore I beg to support this motion as this Bill is not of a contentious nature; though it appears to be very bulky, there is no new principle involved in this Bill.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, the Honourable gentleman from Aligarh, who is a mathematical expert, has borne testimony to the arithmetical accuracy

of the numerous sections and sub-sections, 130 in all, of this Bill. After that there ought not to be any dispute on this side of the House over the Bill. I can understand the enthusiasm of the Army Secretary to do something tangible and useful on the eve of his departure from our midst, and therefore I congratulate him on having conquered this House without much difficulty.

Mr. G. M. Young: Sir, I think I need only say that the very favourable reception given to this Bill is a source of great gratification to the Government and to myself.

Mr. President: The question is;

"That the Bill to provide for the administration and discipline of the Indian Air Force, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clauses 2 to 130 were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

Mr. G. M. Young: I beg to move that the Bill, as amended, be passed.

The motion was adopted.

THE INDIAN TARIFF (WIRELESS BROADCASTING) AMENDMENT BILL.

The Honourable Sir Joseph Bhore (Member for Industries and Labour): Sir, I move:

"That the Bill to provide funds to enable Government to continue wireless broadcasting in India, by increasing the import duties leviable on wireless reception apparatus, be taken into consideration."

Sir, Honourable Members of this House are aware of the somewhat melancholy financial history of broadcasting in this country. Broadcasting was started by private enterprise in the year 1927 and an unbroken succession of annual deficit budgets drove the company into liquidation in 1930. Thereupon with the concurrence, I believe, of the Leaders of all Parties in this House, Government entered the field, acquired the company's assets for the very reasonable figure of 3 lakhs, and have ever since continued to administer the enterprise. As I will show presently, although Government by their administration have reduced the gap between receipts and expenditure, they have not yet been able to quite balance the two sides of the account. When therefore the Retrenchment Sub-Committee came to review the entire financial position, broadcasting with its deficit budget stood out in the general atmosphere of retrenchment and economy with challenging clearness as an object calling for the pruning knife. We on our part, Sir, were not able to claim this as essential expenditure and we therefore accepted provisionally the recommendations of the Sub-Committee and gave notice to the staff

[Sir Joseph Bhore.]

concerned. This action of ours immediately called forth a very strong expression of public opinion, which was a very surprising testimony indeed to the popularity of broadcasting in this country. We received representations from many members of the public, from the manufacturers of wireless accessories in this country, from dealers both large and small, who complained that flourishing businesses would be shut down and that we would be increasing the distress which the general depression has spread throughout the country. I have reason to believe that many Members in this House will endorse that view. I have in mind particularly my Honourable friend Mr. Gaya Prasad Singh, whose strong advocacy of broadcasting in this House we all remember. We therefore, taking into account all these representations, decided to continue broadcasting while we searched every possible avenue for finding means to balance the broadcasting budget, and the results of that search I am now about to place before the House. I ought at this point to correct a slight omission which has taken place in the Statement of Objects and Reasons. One sentence in that Statement runs as follows:

"They (the Government of India) consider however, that the service should not be a charge upon the general tax-payer, and they accordingly propose that the import duties on wireless reception apparatus should be enhanced so as to ensure that the customs receipts associated with broadcasting may suffice to cover the cost of the service."

There was an omission after the words "customs receipts" and the sentence should have read as follows: "so as to ensure that the customs receipts, together with other revenue would be sufficient to cover the cost of the service". I think, Sir, it will be common ground with everybody in this House that if broadcasting is to continue, it should not in existing circumstances, involve a charge on general revenues. There are two ways in which we can avoid doing so, firstly by a reduction of expenditure and secondly by an increase in receipts. I will take the reduction of expenditure first. I may say that we have as a matter of fact ruthlessly applied the pruning shears. During the present year, the expenditure has been reduced to 2 lakhs and 59 thousand, which is the very lowest on record, and for the coming year we have reduced even this to the figure of 2 lakhs and 38 thousand. We have now cut down to the bone and yet we find a gap of over 60,000 rupees to cover, taking all sources of income into account. I would ask the House to remember that the reduction of expenditure cannot be carried too far without its reflecting adversely on receipts. If you decrease the attractiveness of broadcasting either by the poor technical quality of your transmission or by the poverty of your programmes, and these must inevitably result from too rigid an economy in expenditure, then you must be prepared for a contraction in your clientele. Nevertheless the charge cannot be brought against us that we have been extravagant, and I think I shall be able to prove this from the following figures. Whereas in the three years under private management, the expenditure was in round figures Rs. 2,97,000, Rs. 3,35,000 and Rs. 3,17,000, we have reduced the expenditure in our time to Rs. 2,59,000 this year, and we hope to reduce it to Rs. 2,38,000 in the coming year. The losses have been reduced from Rs. 1,67,000, Rs. 2,15,000, and Rs. 1,85,000 during the years of company management to Rs. 1,44,000, and finally we hope to Rs. 68,000. We still have this gap between receipts and expenditure. We are therefore now driven to the only other expedient, namely, that of increasing our receipts. Unhappily, Sir,

experience in the past has shown that the immediate prospect of our being able to increase to any appreciable extent our receipts from license fees is very strictly limited. Evasion unfortunately takes place; in spite of the fact that we are doing all we can to tighten up the administration of the law, the users of wireless sets escape through the meshes of our net; they have done so, and I am afraid they will continue to do so, but I hope far less successfully in the future than in the past, as we are taking very special measures which we hope will stop to some extent this leakage in our receipts.

The only practical hope, at present, Sir, of increasing our income so as to enable us to balance the broadcasting budget lies, therefore, in an increase of the taxation of the requisites of listening-in at the source, that is, at the point of entry into the country, and this is what we are now proposing to do. We are proposing that the duty on wireless reception instruments and apparatus and component parts other than valves and loud speakers, etc., which now pay an import duty of 25 per cent. *ad valorem*, should be increased to 50 per cent., which is the existing duty on such things as electric wireless gramophones and musical instruments. Our second proposal is that the duty on wireless valves designed exclusively for reception should be enhanced from 25 per cent. *ad valorem* to 50 per cent. *ad valorem*. This is the charge at present imposed upon electric bulbs, and finally we propose that the duty on loud speakers and amplifiers not definitely designed for public speaking sets or electric gramophones should also be increased from 25 per cent. to 50 per cent. Judging from the conversations that I have had with many dealers on this matter, I feel confident that they will accept these increases in preference to closing down broadcasting. I have spoken to a great many licensees, and they have all agreed to some such form of self-taxation rather than face the alternative of the closing down of broadcasting. I want to make it clear that these increases will fall on the users of a luxury or at any rate an amenity which is confined to a comparatively few. It will not affect the users of the large number of sets which are manufactured in this country and which do not require valves. I am not able, Sir, to give to the House an exact estimate of the yield of these taxes for many reasons, but I think we may confidently hope that the yield of these new import duties will be more than sufficient to help balancing the broadcasting budget. Now if we do that, and if the bogey of continued deficits is out of the way, the future of broadcasting should be ensured and this will I hope give to the public that confidence in its future continuance that is absolutely essential if we are largely to increase our circle of clients.

Broadcasting, Sir, has a great future I believe in this country; but we will need to frame a comprehensive and progressive policy in regard to it when we are in a position to do so financially. At present financial considerations have made us do little more than mark time since we took over the venture, and I am afraid that for some years to come at least, financial conditions may impede the progress that we all look forward to so confidently. But I am certain, as I have said, that there is a great future for broadcasting in this country: and if, by the means which I am now proposing, we are able to carry it over these critical years, I feel certain myself that broadcasting is destined not merely to bring us in a rich return but to prove an instrument of the utmost educative value to the country. Sir, I move. (Loud Applause.)

Mr. B. Das (Orissa Division: Non-Muhammadian): Sir, I am glad to find that on account of adversity and financial distress wisdom has at last dawned on the Government. Two or three years ago when the Honourable Member's predecessor (Sir Bhupendra Nath Mitra) brought forward a similar Bill, some of us expressed a doubt about broadcasting. Sir, I live in the backwoods of Orissa where the music of those divine temples is more sweet to me than broadcasting; I do not enjoy the good fortune to live in Muzaffarpur like my friend, Mr. Gaya Prasad Singh (*An Honourable Member*: "There are splendid *lichis* there also"), whom my Honourable friend, Sir Joseph Bhore, complimented on his keen interest in broadcasting. To me broadcasting has been a puzzle; especially so when I come to modernised cities like Delhi and find people working hard on their wireless sets as others work on cross-word puzzles and trying to get into communication with Bombay and Calcutta and never getting any message, I feel, thank God, I live in a part of the country which is not attracted by the spirit of broadcasting. Sir, I entirely agree with my Honourable friend, Sir Joseph Bhore, that broadcasting is a luxury; and, if the Department is to continue, all its expenses should come from the luxurious class; and not only should the licensing fees be increased, but I entirely support this increase of the duty on broadcasting implements up to 50 per cent. Sir, the Honourable the Finance Member I am glad to see is now here. The other day we were talking of the evasion of taxation, and my Honourable friend, the Finance Member, heard just now from his colleague that the luxurious classes in India evade their taxes and do not pay even the licensing fees on their wireless sets. Sir, my Honourable friend, when he thinks of accusing the poorer classes of evasion of taxation, should therefore remember that it is the rich classes who evade more taxes. Sir, I do not mind broadcasting to continue, but I do hope that, whatever the expenses, if the 50 per cent. duty is not sufficient, my Honourable friend will see that the licensing fees should be doubled for those who want to have the special privilege in their evenings to enjoy what is happening in other places and other climes.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): Sir, I congratulate the Honourable Sir Joseph Bhore on bringing forward this Bill. We were very reluctant in the Retrenchment Committee to recommend the abolition of this service, and we are very glad that the Honourable Member has found ways whereby the poor in this country will not be taxed and at the same time this broadcasting service will be retained. Sir, I do not agree with my Honourable friend, Mr. B. Das, that broadcasting is a mere luxury, or that the ordinary man's enjoyment should consist merely in securing food and clothing. There are other small comforts, and broadcasting has helped us a great deal in having an educative effect in many ways. We can now put ourselves in contact with the civilized world, and with different parts of India itself and thus reap much educative value, and it is not a mere waste and luxury. It is part of the conventional necessities of civilized life. Sir, I support the motion.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhammadian): Sir, the Indian Air Force Bill was a very important, but 1 p.m. a non-contentious measure, and this House enthusiastically passed it. This Broadcasting Bill is also a non-contentious measure, and I hope the

House will pass this Bill also with acclamation. I remember, Sir, I went to Calcutta last year, and I visited the broadcasting station, and the Radio Association. I also remember that a memorial which was signed by hundreds of influential persons was presented to my Honourable friend Sir Joseph Bhore protesting against the proposed closing down of broadcasting, and suggesting ways and means for making it self-supporting. I visited two years ago the broadcasting station in Bombay, and since then I have begun to take some little interest in broadcasting. There are two or three points on which I should just like to say a few words. I find that piracy associated with broadcasting is somewhat extensively practised, and steps may be taken to exterminate this evil, so that people who do not hold licenses may not unfairly take advantage from broadcasting. The second point is that the present license fee of Rs. 10, if inadequate, may have to be increased a little bit.

Mr. B. Das: Double it.

Mr. Gaya Prasad Singh: Not so much. The third point is overhead charges in the establishment are much more than they should be. I think the overhead charges also might be reduced. The history of broadcasting has been given in very eloquent terms by my Honourable friend Sir Joseph Bhore. The Marconi Company was started in 1925, but for want of support from the public, and for want of financial assistance it had to be closed down. Then the Indian Broadcasting Company, Limited, was floated in Bombay in 1927, but for want of financial support it was languishing, until Government took it up, with the consent of the Members of this House. I understand that the total number of licenses has reached the figure, 8,390 and more. If the license fee be increased a little bit, the receipts from this source together with the import duties which are sought to be imposed upon the importation of wireless reception apparatus might be sufficient to put broadcasting on a self-supporting basis, without it being a burden upon the general revenues. Broadcasting has got a high educative value. It may be utilised in schools and colleges, and as a means of communication for lectures and other purposes just as we have got lantern lecture shows. Broadcasting may be used for awakening the masses, and for putting some light and education into them. I quite agree that broadcasting should not be made a general charge on the public revenues; and the Bill we are discussing is a measure which proposes to keep alive broadcasting in India as a state institution without at the same time making it a burden on the general revenues. With these few words, I strongly support the motion of my Honourable friend Sir Joseph Bhore.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): Sir, I rise to join in the chorus of appreciation showered on my Honourable friend Sir Joseph Bhore, although I do not agree with my Honourable friend who has just sat down that the fee of Rs. 10 should be raised to Rs. 20.

Mr. Gaya Prasad Singh: I did not suggest that.

Mr. B. Das: I suggested it.

Mr. Amar Nath Dutt: At any rate his colleague from Bihar and Orissa said that it should be doubled. I do not agree with that suggestion. I am glad that some steps are being taken so that broadcasting may not die.

[Mr. Amar Nath Dutt.]

In fact at one time in the Standing Finance Committee, my Honourable friend over there who has just sat down seriously considered whether or not to discontinue this broadcasting in order to give some relief to the general revenues. After all, this is a matter of very small amount and even if this raising of import duty was not given effect to, the Government would have been perfectly justified in making a little more grant that was necessary for broadcasting. As my Honourable friend said, broadcasting has great educative value, and I should like to see it more and more popularised by installing broadcasting apparatus in every village

An Honourable Member: And in the Assembly also.

Mr. Amar Nath Dutt: I don't mind. It should be installed in every village so that this small amenity of civilised life may be available to the poorest of the poor living in mud hovels of villages. In these days, there is hardly any enjoyment in villages. The present economic distress has stopped *jathras* and *kathakatas* which combined education with pleasure in village life. I know how poor people work in the hot sun from morning till evening, and then go back and squat on the floors of their houses for the rest of the night without any enjoyment whatsoever. If only they had some little amusement like this, I think their life would be enlivened and cheered. In fact I would ask the Government to give a little more grant to save this broadcasting. With these words, I support the motion.

The Honourable Sir Joseph Bhore: Sir, I have nothing to say beyond expressing my gratitude to Honourable Members in this House for the reception which they have accorded to this very small measure. I may say that, so far as I myself am concerned, my own anticipations with regard to the future development of broadcasting coincide to some extent with the ideas expressed by my Honourable friend Mr. Amar Nath Dutt. As regards the three points raised by my Honourable friend Mr. Gaya Prasad Singh, I may assure him that they have been constantly under the consideration of the Government of India. There are very obvious objections to an increase in the license fees, but I will not trouble the House with my arguments in this case. I will confine myself to an assurance that all these points which have been made to-day will receive the most careful attention of the Government of India.

Mr. President: The question is:

"That the Bill to provide funds to enable Government to continue wireless broadcasting in India, by increasing the import duties leviable on wireless reception apparatus, be taken into consideration."

The motion was adopted.

Mr. President: Clause 2.

Mr. S. G. Jog (Berar Representative): I take this opportunity of joining in the chorus of congratulations to the Honourable Sir Joseph Bhore for having introduced this measure. As a matter of fact this broadcasting was practically in the throes of death and but for this timely help rendered up to this time, this luxury would have been killed.

Mr. President: Will the Honourable Member move his amendment first.

Mr. S. G. Jog: I move this very small amendment:

"That in clause 2 (b) in the proposed item No. 43 of Schedule II to the Indian Tariff Act, 1894, the words 'including all electric valves, amplifiers and loud speakers' be omitted."

I see no purpose in putting these words here, especially when you say, "wireless reception instruments and apparatus and component parts thereof not specifically designed and so on". I see no propriety in putting these words, "including all electric valves, amplifiers and loud-speakers". Unless the Government explain to me the propriety of putting in these words, I for one, would like to press my amendment. If these words are deleted, I do not think it will affect the purpose of the Government in any way at all. One of the duties of the Legislature is to make the language as accurate as possible, and any superfluity is to be avoided. If I tell you that I give you all the belongings of mine in this House, it is not necessary to make any particular mention of some articles in the House like silver-ware, furniture, etc.

An Honourable Member: There is no harm in doing so.

Mr. S. G. Jog: That is the exact thing. We are legislators and not laymen. Our language has to be accurate and we have to avoid unnecessary points and superfluities. With these few words I suggest that Government should have no difficulty in accepting my amendment which does not affect Government or the revenues in the least.

The Honourable Sir Joseph Bhore: Sir, this amendment may, as my Honourable friend says, be a very small amendment, but I am afraid it may have some considerable effect. We are advised that the words to which he objects, though they may be merely explanatory, are really necessary to remove possible difficulties in interpretation, and I am afraid therefore that we cannot possibly accept it. If objection is taken on the ground that other than wireless apparatus will be roped in I ought to explain that there really is no difficulty in the matter, because our experts advise us that the parts of a talkie apparatus, for instance, are normally specially designed for that purpose and that they could not be classified as wireless apparatus under the terms of the Bill. In actual fact there should be no difficulty in the case of amplifiers and loud-speakers, but there may be some difficulty in the case of valves intended for talkie apparatus, some of which are equally suitable for broadcast receiving apparatus and gramophones. It may be that under the terms of this clause as it stands we may include a somewhat wider list than is intended, but I would urge that these are all luxuries and it will certainly give me no sleepless nights to see other luxuries roped in and made to pay a 50 per cent. duty. Sir, I must oppose the amendment.

Mr. President: The question is:

"That in clause 2 (b) in the proposed item No. 43 of Schedule II to the Indian Tariff Act, 1894, the words 'including all electric valves, amplifiers and loud speakers' be omitted."

The motion was negatived.

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LEGISLATIVE ASSEMBLY.

[4TH APRIL 1932.]

Mr. S. G. Jog: Sir, I beg to move the next amendment standing in my name and which runs as follows:

"That in clause 2 (b) in the proposed item No. 43 of Schedule II to the Indian Tariff Act, 1934, the words 'and imported along with' be omitted."

The object of this measure seems to me that when the apparatus or the other parts are designed for purposes other than wireless reception, they are to be exempt from duty. But this clause says "designed for purposes other than wireless reception or are not original parts of and imported along with instruments or apparatus so designed". That means that if they are imported along with the main apparatus then they are duty free but if they are brought in separate parts or after some time, Government wants to levy duty on them. I think I have understood it correctly. What I cannot understand is what the object of Government would be. If they seriously want to exempt these articles, if they are designed for any purposes other than broadcasting, what matters it to Government whether they are brought with the apparatus or separately after some time? I fail to understand the propriety of such invidious and wrong distinctions. I suggest therefore that my amendment should be accepted and these words omitted. If the object of Government be to exempt those articles which are designed for purposes other than broadcasting, then they should be exempt whether brought with the apparatus or at any time afterwards. With these words I recommend that the amendment should be accepted.

The Honourable Sir Joseph Bhoré: Sir, perhaps I might take a little time and explain to the House exactly the importance of the suggestion made by my Honourable friend. There are certain articles that are not exclusively used for broadcast reception purposes, but they can be used both for such purposes and also for other purposes, for instance, talkie apparatus. The object of the latter part of the entry, that is to say, the part to which my Honourable friend objects, is to render liable to the new duty in addition to things specially designed for broadcast reception; such of those articles to which I have referred as are not quite ascertainably meant for non-broadcast reception. It can be ascertained only if it is specially designed for or is an original part of or imported along with a talkie and other equipment with which it is intended to be used. If we were to omit the words "and imported along with", some importers would undoubtedly represent things of this dual nature as being replacements intended to be used for talkie apparatus, and we should have no assurance that in fact they were not designed as broadcast receiving replacements. I think therefore that we would be running an unnecessary risk by omitting these words. I do not think it can impose any very heavy or great hardship upon any class of importers and we would prefer therefore to retain the words to which my Honourable friend is taking exception.

Mr. President: The question is:

"That in clause 2 (b) in the proposed item No. 43 of Schedule II to the Indian Tariff Act, 1894, the words 'and imported along with' be omitted."

The motion was negatived.

Mr. President: The question is:

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 3 was added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Joseph Bhoré: Sir, I move that the Bill be passed.

The motion was adopted.

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

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

THE PUBLIC SUITS VALIDATION BILL.

Sir Lancelot Graham (Secretary, Legislative Department): Sir, I move that the Bill to validate certain suits relating to public matters, as passed by the Council of State, be taken into consideration. As I have already observed, this Bill has been passed by the Council of State, so that the first motion in respect of this Bill in this House is the motion that the Bill be taken into consideration. The purposes of this Bill are, I think, sufficiently set out in the Statement of Objects and Reasons. Briefly, the position is that under sections 91 and 92 of the Code of Civil Procedure, in respect, in the first instance, of suits relating to public nuisances, and in the second instance, of suits relating to public charities, certain powers of initiation are vested in the Advocate General. Under section 93 the powers conferred by sections 91 and 92 on the Advocate General may, outside the Presidency towns, be with the previous sanction of the Local Government exercised also by the Collector or by such officer as the Local Government may appoint in this behalf. I would draw the attention of this House to the words "previous sanction of the Local Government". It has been generally understood that these words implied a general sanction; that is, that a general sanction could be given by the Government, and no particular sanction was required in respect of each suit brought by the Collector or the officer appointed by the Local Government. That practice became universal; and it was a matter of considerable surprise when it was declared by their Lordships of the Privy Council that we had been wrong in our interpretation of the section. All the governments in British India and all the High Courts have, I understand, shared in that error; and I think it was not a very unnatural error. Anybody reading that section would, I think, inevitably hesitate between the two meanings, and I think he would say that really the more reasonable meaning was that the sanction was intended to be a general one. That, however, has now been decided against us—the sanction has to be a particular one. The result is that a very embarrassing position has been caused to those litigants who were under the impression that they were

[Sir Lancelot Graham.]

proceeding in a perfectly lawful way, having obtained all the authority which was believed to be necessary from the Local Government. They now find that suits are liable to be dismissed, and in fact that suits are being dismissed in pursuance of this decision of the Privy Council in the case of Prem Narayan v. Ram Charan and others.

Now, Sir, Government do not claim to be the originators of this motion. In fact the original begetters of this Bill are sitting on the Opposition Benches, and therefore I may say that this Bill is a non-controversial measure, and I should say also a very useful measure, agreed upon by both sides of the House. For that reason alone I think it is not necessary for me to make a lengthy speech. The first proposal came from my Honourable friend, Mr. Biswas, in the form of a Bill, and at about the same time my friend, Mr. Sen, was saying to me daily, "When are you going to produce this Bill?" We were ourselves immediately convinced of the necessity for the Bill, but it seemed proper that we should consult Local Governments and that they should consult the High Courts. The result is complete unanimity and we have accordingly brought forward this Bill.

As I said in the beginning, and as I now quote from the Statement of Objects and Reasons, "The Bill is intended to remove a hardship. It validates all suits now pending and also provides for the retrial of all claims which may have been in the meantime dismissed, whether in the Court of first instance or in the Court of appeal, on the ground of the absence of the requisite sanction". Sir, I move.

Sir Abdullah Suhrawardy (Burdwan and Presidency Divisions: Muhammadan Rural): Sir, I move that the consideration of the Bill be postponed to the next Simla Session. My reason for moving the amendment is that Bill is of a highly controversial nature in spite of the declaration of the Honourable the Mover that it is not so. He is of that opinion simply for the reason that, according to him, "the begetters of this Bill sit on the Opposition Benches". Who are "the begetters" I do not know exactly, but our Honourable friend has enlightened us by mentioning two names. There may be many more who might be the begetters of this polyandrous Bill; but this morning, Sir, in the course of your ruling you remarked that the Chair would not allow any very controversial measure to be sprung upon the House, and that the Chair is jealous of the dignity of the House. That has been the view of President Patel also. If I may be permitted to read out a passage from the reports of the debate, Mr. President Patel on a similar occasion said:

"The Chair has a duty to see that the machinery of the Government of India Act is not abused to the prejudice of the people of this country and for that purpose the Chair possesses sufficient powers in the shape of the adjournment of the House *sine die* or in the shape of refusing to put any motion to the House....."

Mr. President: Will the Honourable Member read Mr. Patel's ruling given on the following day?

Sir Abdullah Suhrawardy: I have not got it; but I have got a copy of your own remarks, Sir, before me in which you say:

"The Honourable Member has drawn attention to the fact that he has asked whether the Chair would allow any very controversial measure to be sprung upon the House at the last moment. The Chair is bound to protect the dignity, the rights and privileges of the House."

I shall show, Sir, that this is a Bill of a highly controversial nature. The very fact of the admission of my friend, Sir Lancelot Graham, that this innocent looking Bill had its origin in the Opposition and that the two "begetters" of this Bill are Members of this House, and yet the Government chose to move it in the House which, in the happy phrase of Mr. Ranga Iyer, is a House where "the benumbing penumbra of second childhood pervades" shows that this Bill was moved there simply with the object of depriving this House of making a motion to circulate the Bill for eliciting public opinion thereon. If I were only to read out section 92, the House will realise how controversial this Bill is. My Honourable friend Sir Lancelot Graham did not read out sections 91 and 92; he simply mentioned them. Section 91 deals with public nuisance, and I have nothing to do with that; but section 92 is not so innocent as it looks. I see a copy of the Civil Procedure Code before me, and I will just read to the House that particular section and leave it to the Honourable Members to judge whether this measure is of a highly controversial nature or not, however innocent looking it may appear to be. Section 92 runs as follows:

"In the case of any alleged breach of any express or constructive trust created for public purposes of a charitable or religious nature, or where the direction of the Court is deemed necessary for the administration of any such trust, the Advocate General, or two or more persons having an interest in the trust and having obtained the consent in writing of the Advocate General, may institute a suit, whether contentious or not, in the principal Civil Court of original jurisdiction or in any other Court empowered in that behalf by the Local Government within the local limits of whose jurisdiction the whole or any part of the subject-matter of the trust is situate to obtain a decree—

- (a) removing any trustee;
- (b) appointing a new trustee;
- (c) vesting any property in a trustee;
- (d) directing accounts and inquiries;
- (e) declaring what proportion of the trust-property or of the interest therein shall be allocated to any particular object of the trust;
- (f) authorising the whole or any part of the trust property, to be let, sold, mortgaged or exchanged;
- (g) granting such further or other relief as the nature of the case may be, etc., etc."

I do not think I need read out the remaining portion of the section. I think I have already satisfied the House by reading out the section how controversial this Bill is. Who is going to decide whether a trust is for a public purpose, whether it is of a charitable or religious nature, and other intricate questions when the decree involves such important matters as the removal of the trustee or the sale or mortgage of trust property? For that reason a check has been provided in order to stop reckless and harassing litigation, in the shape of the consent of the Advocate General being required or of two or more persons having an interest in the trust property. Now, so far as the Presidency towns are concerned where there is an Advocate General the consent of the Advocate General is sufficient. This Bill does not affect the authority of the Advocate General, nor does the Privy Council judgment affect it. The authority which is affected by the Bill is that where the Collector is required to give sanction. My learned friend Sir Lancelot Graham remarked that all High Courts share in that error, namely, in the error of thinking that no special sanction is necessary in each case by the Collector. Well, the object of that provision of the Bill is quite obvious to those who are familiar with the history of the legislation when section 92 was introduced in the Act of 1908. The

[Sir Abdullah Suhrawardy.]

Legislature deliberately made a distinction between the Advocate General and the Collector. So far as the Advocate General, who is an officer of the Crown, is concerned, no special authority in every case was required; but where the Collector is concerned, special authority is required. It may be that for the Collectors who happen to be District officers heavily burdened with work, and more so in these days of unrest and political disturbance, who are very fond of outdoor life, and are too busy with their tennis and other social amenities to find time to apply their mind to each particular case Government thought that a general sanction as proposed in this Bill was quite enough.

Now, what does the Bill propose to do? The Bill proposes to undo what the Privy Council has done. For years and years since 1908, all the High Courts of India have shared in an error, to use the language of my friend Sir Lancelot Graham. Now, the error has been pointed to them by the Privy Council, the highest Court of appeal in the Empire. Now, what does the Bill propose to do? To render that judgment infructuous in the name of public interest. Really, there is no such public interest involved in this measure. It is the interest of a particular individual. I have taken the trouble of reading the debates in the Council of State, and I find there is nothing stated excepting a reference to the section, and the Honourable the Law Member in the short space of five minutes had the Bill passed there including a congratulatory speech from the Honourable Mr. Basu. I find from this debate, the real reason for bringing forward this legislation before this House. It is, as I said, a wolf in sheep's clothing or perhaps it is a sheep in wolf's clothing. It is virtually a non-official Bill which has been brought forward in the garb of an official Bill and fathered upon Sir Lancelot Graham who repudiates the paternity of the child. The Honourable Mr. Bijoy Kumar Basu says:

"Sir, I congratulate the Honourable the Law Member for having brought this Bill, because there are a large number of suits which are pending in various provinces, which will be affected, as explained by the Honourable the Law Member, if this Bill is not passed into law. One of these suits is pending in my province—I mean the Tarakeshwar Temple suit,—and only this morning I read in the papers that in a pending appeal in that suit application has been made in the Calcutta High Court to have the suit dismissed on this very ground, and the date that has been fixed for the hearing of that application is 18th April. I only hope, Sir, that this Bill will be passed during this session, so that suits of that nature might not be dismissed for no fault of the parties. I have still more to congratulate Government, because they have so promptly taken up the suggestion which I am proud to say was made to them from a non-official source for a Bill of this kind; I believe as a matter of fact a draft non-official bill was sent up to Government by the representative of Calcutta in the Legislative Assembly—Mr. Charu Chandra Biswas....."

Many Honourable Members may not know much about this temple of Tarakeshwar. It is a veritable Somnath in Bengal, and it attracted the attention of many an invader and conqueror from the North and it could not escape the eagle eye of the Congress. The temple was about to be demolished, as Mr. Biswas is aware, when the Swaraj movement was at its height and the Satyagraha commander-in-chief led the siege to that temple. After a time peace terms were proposed by the Swarajist Leader and there was every probability of a peaceful settlement. But for reasons better known to Mr. Biswas and perhaps also to Mr. S. C. Mitra the peace efforts failed. I leave them to complete the history, the genesis of this litigation, if they care to do so. I leave it deliberately incomplete at this stage. Any way, my point is this. I hope I have made it sufficiently

clear that this Bill is of a highly controversial character. By way of contrast, may I refer to a Bill with which you must be very familiar, namely, the Wakf Validating Act? If I am not mistaken, in 1905 or thereabouts the Privy Council upset the Muslim law on the subject of waqfs and in the case of Abul Fata v. Mussomay Dhur Chaudhury the Privy Council went out of their way to impose their own views regarding what a public charitable trust should be, in Muslim law. The Muslim community suffered long as a result of that judgment. There was a good deal of agitation, yet it was only in 1913, years after the judgment had been passed, that Mr. Jinnah succeeded in having his Wakf Validating Act passed through the old Imperial Legislative Council, and that also in the teeth of opposition. It was subsequently found that that Bill had to a certain extent defeated its own object because it was held that it had no retrospective effect, and it was only in 1929 that a Wakf Validating Bill was introduced by my Honourable friend Mr. A. H. Ghuznavi and it took a year or two years to be passed in this Assembly.

My Honourable friend the Law Member himself carefully went through the clauses when the Bill was before the Select Committee, balanced the pros and cons, the advantages and disadvantages of giving retrospective effect. Now, why all this indecent haste? We have been deprived, by the method of having this Bill passed by the Council of State, of having the public opinion elicited on it, and if to-day you rush through this Bill the public will not get the benefit at all of expressing its views on this measure. After all, what are you going to do? As a matter of fact, I consider this Bill to be highly reprehensible because in the interests of certain individuals you are introducing this Bill. Wherein lies the hardship? There is no hardship at all. Every day the courts of law dismiss cases on some legal point or other, and if suits are liable to be dismissed it will give a sort of opportunity to the litigants to settle the cases out of court. The Privy Council says and rightly says that special sanction must be given in each case and you want by this legislation to undo what the Privy Council wants to be done. The Collector may have been busy with the no-rent campaign in the United Provinces; he has not had time at all to go through the papers, or he may be very busy with the terrorist movement in Bengal round about Tarakeshwar and so on. And he has only to give formal sanction. I see in this House the vision of an ex-Collector with whose jurisdiction the Tarakeshwar temple is situated. He may have probably given his sanction, and the sanction stands ten years ago or many years ago—given for political reasons it may be, in order to defeat the Swarajist machinations to loot the temple and fill their coffers with the spoils to carry on the great campaign of Swaraj and freedom. What reasons actuated him we do not know. Any way, you now seek to keep that sanction alive. I wish the Honourable the Mover of this motion had at least placed before us the Privy Council judgment and given us the reason why the Privy Council judges made a distinction between the Advocate General and the Collector. (An Honourable Member: "He cited a case.") He did not give the reasons. Very well, Sir. These are my reasons for moving my motion.

Diwan Bahadur Harbilas Sarđa (Ajmer-Merwara: General): I rise to support the motion of my Honourable friend Sir Lancelot Graham. The object of the Bill is simply this. Up to this time Government used to appoint the Collectors of districts to exercise the powers of the Advocate

[Diwan Bahadur Harbilas Sarda.]

General by general order, and whenever any suit was filed in which the permission of the Advocate General was required, the Collector used to give permission. The Privy Council have now said that in every case that the Advocate General's consent is necessary, the Government should invest the Collector with the power of the Advocate General to give such permission. We are not concerned in this Bill with the principles on which the Collector gives permission. The only question is whether the Collector should be appointed to give permission in each suit, or whether he can be given a general power to do so by the Government. No principle of law and no important issue is involved in this Bill. Whether a Collector is empowered in each case to give his consent or whether he is empowered generally to give his consent to these suits, makes absolutely no difference so far as the principles on which the Collector exercises his judgment to give his consent for the institution of a suit are concerned. And that is the really important point. Owing to a certain decision of the Privy Council, certain suits have been invalidated, not because there was any question of law involved, but because any law was broken. That being so, it is inflicting unnecessary hardship on people if you invalidate their suits and place them in a position to have undergone all that expense for nothing and institute fresh suits. I have carefully considered the matter and I do not see that there is any real objection or any matter of controversy with regard to the consideration of this Bill. I therefore support it.

Mr. B. Das (Orissa Division: Non-Muhammadan): I rise to support the motion moved by my Honourable friend Sir Abdullah Suhrawardy. I think that this is a piece of legislation which, had the Government moved at an earlier stage of the session, this House would have seen to it that it was circulated for public opinion. So, the Government passed it through the Council of State and then they brought it here. This Bill I consider is a complete encroachment on the constitutional right of this House. If my Honourable friend Sir Lancelot Graham wanted this Bill to be passed so hastily, I understand that he drafted 11 or 12 Ordinances, and why did he not draft an Ordinance to invalidate all the judgments of the Judges in Bengal and why should he follow this procedure? That would have been quite fair. Why should they ask us to condone the action of the Local Government of Bengal and may be of other Local Governments, and also to condone the action of the Advocate General of Bengal and those of other provinces, who are the legal advisers to Government? Why did they not point out to the Local Governments the mistakes that are taking place? Whenever we ask a short notice question about anything, the case is *sub judice*, and this House should not interfere with the course of law. To-day we are asked to give retrospective effect and invalidate the judgments given by certain judges during the last six months. Why should we do that? My Honourable friend Sir Lancelot Graham knows that we have no respect for the system of British administration.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Have you respect for the administration of temple grants by the *Shebais*?

Mr. B. Das: I am not concerned with the merits of the case; I am only concerned with the constitutional aspect that is involved in this Bill. There are eminent lawyers on both sides, and I hope that my esteemed

and learned friend Sir Abdur Rahim will rise and expound the law that is involved in this Bill. We have still a little respect left for British justice. I

3 P.M.

understand from my friend Sir Abdulla Suhrawardy that the Bengal Government have been committing errors for years and years and you now come up before the Legislature asking them to regularise the action of the Bengal Government and other Governments in connection with pending cases. You want to go back and annul the judgments of the last six months. That is an encroachment on the liberty of the judiciary and on the liberty of the House and this House should not be a party to it. It would ask respectfully my friend Sir Lancelot Graham to withdraw this Bill and draw up an Ordinance, as he has drafted so many Ordinances. On this ground I whole-heartedly support the motion of postponement of consideration till the September Session. In the meanwhile if an Ordinance is passed, we will take no responsibility. Let them come up in September and the House will be full then and the Bill can be discussed in all its aspects.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): I am not at all surprised to find my Honourable friend Sir Abdulla Suhrawardy speak in the manner he did. It is quite a long time since my friend bade his final good-bye to the High Court. If my friend had only taken the trouble to go through the Privy Council judgment and the provisions of this Bill, he would not have felt so shocked at all. I venture to submit that it is not at all a controversial measure, and I shall satisfy the House that it is not so. It is a very simple and harmless measure, nevertheless very necessary. What is the position which has been created by the decision of the Privy Council? Sections 91 and 92 of the Code of Civil Procedure refer to two classes of suits, suits relating to public nuisances and suits relating to public charitable trusts. Such suits may be brought either by the Advocate General himself in the Presidency towns, acting on behalf of the public or by two or more persons with the consent of the Advocate General. That is the provision. The whole idea is that these suits being suits instituted in the public interest require very careful consideration before they are launched, and that is why the consent of the Advocate General is required. Section 93 of the Code then goes on to provide for such suits outside the Presidency towns, that is, suits in the *moffusil*. The Advocate General is not functioning there, but that is no reason why people residing in the *moffusil* should be deprived of this remedy. Section 93 accordingly provides that outside the limits of the original jurisdiction of the High Courts, the Collector or some other special officer whom the Government may appoint in this behalf may exercise the powers which may be exercised in Presidency towns by the Advocate General. That section further goes on to lay down that before the Collector or the special officer who may be appointed in this behalf may exercise such powers, the Collector or such special officer must have the previous sanction of the Local Government. As my Honourable friend Diwan Bahadur Harbilas Sarda very clearly pointed out, this previous sanction of the Local Government is required, not as to whether the suit should be brought, but merely as to whether the Collector or other officer should exercise the powers of the Advocate General. That is all. That previous sanction is not given upon a consideration of the facts of any particular case. The duty of examining the facts of any particular case is cast upon the Collector or the special officer. Government merely gives sanction to the Collector or the other officer to exercise the powers of the Advocate General. I shall place before you the

[Mr. C. C. Biswas.]

terms of a notification under this section which was published by the Government of Bengal, and I believe that notifications in similar terms have been published in other provinces also. This notification purports to authorise the Collector and other officers to act under this section. It reads:

"In exercise of the power conferred by section 93 of the Code of Civil Procedure, 1908, the Governor in Council is pleased hereby to sanction the exercise of the powers conferred by sections 91 and 92 of that Code upon the Advocate General by the Collectors and Deputy Commissioners in the Presidency Division, excluding the town of Calcutta, Burdwan Division and the district of Darjeeling within the limits of their respective districts."

The view which had all along been held was that a notification in such general terms was sufficient to convey the sanction required by section 93. For the first time last year their Lordships of the Judicial Committee, upon an objection raised for the first time in the Privy Council, were, however, pleased to hold that this previous sanction of the Local Government must be obtained specifically in respect of every individual suit, and a suit instituted under the authority of a notification in such general terms must consequently fail on that technical ground. That is the position. The object of this Bill is not to undo the Privy Council, not to reverse the judgment of their Lordships so far as the future is concerned. So far as suits which may be instituted hereafter are concerned, the interpretation which has been adopted by the Privy Council will stand. But it so happens that if something is not done to save pending suits, the result will be that plaintiffs, who have brought such suits through no fault of their own, will be put to considerable hardship. And who are the plaintiffs in such cases? Not persons who have anything to gain, but very much to lose indeed, if they fail—persons who act from a sense of public duty. All these suits are now threatened with dismissal, if the new procedure now held by the Privy Council as necessary is applied. The question is whether or not we here, acting as representatives of the public, will stand by those who from a sheer sense of public duty have thus come forward to protect and rescue the public endowments?

Mr. B. Das: Do not the lawyers charge fees for these cases?

Mr. C. C. Biswas: The lawyers unfortunately charge fees for these cases, and they have got to be paid by these people, who are, however, not deterred by that consideration from coming forward as plaintiffs. If they lose, they have got to pay the costs. On the other hand, if you allow these suits to be dismissed on this technical ground, who are the people who thrive as a consequence? Those who have been charged with maladministration and mismanagement of these public funds, and in some cases also found guilty by the judgment of at least one competent Court.

Sir, I am not ashamed of declaring for the information of my Honourable friend that it was my privilege, after I read this judgment of the Privy Council, to invite the immediate attention of Government to the serious situation created by that decision in respect of pending suits, and I went further. I also gave notice of a private Bill. Unfortunately the time was so short that a private Bill would have had no chance of going through in this session. Therefore, Sir, I suggested that an official Bill

might be introduced, and I acknowledge with gratitude that Government have come forward with such readiness in response to what I believe is a public demand. (Hear, hear.) The reason why a Bill was moved in the Council of State was that there was no time to bring it forward here. It is very important that this Bill must be passed in this session, and I will explain why. In most of these pending suits there have been receivers appointed,—receivers who have taken charge of these trust properties; the receivers have been making collections, they have large funds in their hands, and those who are defendants in these suits—the managers of these endowments—naturally do not like that the management should have been taken away from them and placed in other hands. Now many of these suits have been pending in appeal courts, but the receivers continue all the same. I know one particular suit in which the receiver has about 3 lakhs of rupees in his hands. Suppose we allow this Bill to stand over. What is the consequence? The mover has read out from a speech made by an Honourable Member in the other House from which I gather that the 18th April is the day fixed by the High Court for the hearing of an application in connection with a pending appeal in such a case in the Calcutta High Court. That application is that by reason of this Privy Council judgment, that suit should be struck out. If this Bill is not passed, that application is sure to succeed, because the judgment of the Privy Council, unless it is reversed or modified by the Indian Legislature, is binding upon all courts, and the High Court must therefore give effect thereto and dismiss the suit. The result of such a dismissal will be that the receiver will stand discharged. Then all these 3 lakhs of rupees which the receiver has got in his hands will disappear into the pockets of certain people. My friend over there says, "Wait till September, allow the Bill to be postponed till the September Session, and the Bill provides that within six months you can take steps to revive the suit". Suppose the suit is revived within six months after September then this money which in the meantime will have disappeared will never be found again; and not merely that, during the intervening months, more funds will have been collected, and more funds will have found their way into pockets where they should never go. It is because Government are so anxious to avert such a result, such a public calamity, I should say, in respect of public trusts and charities, that they have brought forward this Bill, and they deserve all the thanks of this House. (Hear, hear.)

Sir, my friend need not be apprehensive. I am neither a wolf nor a sheep. Nothing of the kind. On the other hand, my friend has tried, with all the dexterity which anyone who has been detached for a long time from courts can command, to draw a very lurid picture of the controversial character of this Bill. He has, for instance, read out section 92. Now what has that got to do with this Bill, Heaven alone knows. We are concerned only with the question whether pending suits should be allowed to be hit because the Privy Council have now held that the sanction required under section 93 must be given specially for each suit, and not in general terms. My friend, Mr. B. Das, raises a controversial issue. What is that big issue, I for the life of me have been unable to comprehend. I think he says that this House was not given the opportunity to consider the Bill in the initial stage; in other words, that this House has been deprived of the opportunity of delaying its passage more and more! As the Bill was moved in the Council of State, a motion for circulation would

[Mr. C. C. Biswas.]

of course not be accepted here. If the Bill had come before this House first, my friend would probably have had the chance to move such a dilatory motion. That cannot be done now. Sir, I really do not see why we should be anxious to adopt any such tactics here, that can only produce one impression on the public mind—the impression that we are interested in stifling suits which have it for their object the purification of these public trusts.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban):

Mr. President, this measure involves an extremely serious constitutional issue. My learned friend, Mr. Biswas, asked what that constitutional issue was. I will tell the House in very few words what that issue is. The Privy Council have decided a certain appeal on the question whether the sanction granted in a suit under section 93 of the Civil Procedure Code was valid or not. It has decided that according to the correct interpretation of the law, that suit had not the sanction that the law required. I do not think that it is the position of the Government that the decision of the Privy Council is wrong. I understand that that is not the position of the Government, and I shall proceed on that basis. I shall proceed on the basis, therefore, that the decision of the Privy Council on the question of law involved was correct. If that interpretation of the law was correct, then all suits that have been filed hitherto on the wrong interpretation of the law have to be dismissed; and it is a matter of everyday occurrence in court that suits that are filed without having conformed to the requirements of law in certain respects are liable to be dismissed, and many a suit is dismissed every day on that ground as the Honourable the Law Member and other lawyers in this House know very well. Now, then, what is this Legislature asked to do? What are we asked to do? Not to say that the decision of the Privy Council is wrong. We cannot say that. We are asked to say that that decision, that that interpretation of the law must not be applied to the suits which have already been filed contrary to that interpretation of the law. Does it not really come to the same thing,—that you are validating suits which according to the correct interpretation of the law were not validly filed, that is to say, in filing it the provisions of the law had not been complied with. Is that the function of the Legislature? The function of the Legislature is to pass a law and to leave entirely to the courts the interpretation of that law and the application of that law to particular cases. If this Legislature were to interfere because in the opinion of the Government or of certain Members of this House a certain interpretation of the law is wrong or should not be enforced, where is the matter to end? We should be usurping the functions of the courts, which I submit, with all respect to the House, this House has not got the machinery and is not in a position to perform. It is a function which can be performed properly only by the courts and by the courts alone. As a matter of fact in cases which are disposed of on what are called technical interpretations of the law, hardship is caused to litigants. That happens every day. But I have never heard that that is any ground for coming forward with a Bill, with a legislative measure, in order to relieve those litigants, because owing to the wrong advice given by their lawyers, they lost their suits. If the decision of the Privy Council is right in this case—and I maintain it is right—and as they point out this decision of theirs follows an earlier decision, then in that case what we are asked to

do is to say that the litigants who succeeded in the lower or appellate courts should be deprived of their success by a measure passed by this House. The position which I take it the Government will not dispute is this; that this Legislative Assembly has nothing whatever to do with the interpretation of the law. If this Assembly finds that a certain law as authoritatively interpreted by the courts is not in the interests of the public then it can change the law. That is a perfectly legitimate function of the legislature but to go further and give it retrospective effect in the manner proposed by this Bill is undoubtedly wrong and it is a very serious matter which I submit the Government ought to take into consideration.

Having regard to the procedure that has been adopted in this case, the Bill was not circulated and cannot be circulated now for eliciting public opinion. In all cases which are instituted in the courts, there are two parties and surely it is not right on the part of Government because certain parties have lost in the courts or are likely to lose to come forward and support them here and get the Bill passed in order to enable them to succeed. This is a very serious aspect of the position that has been created. I do not know whether the Honourable the Law Member has got any precedents for a Bill of this nature. The Waqf Bill which has been cited by an Honourable Member of this House really has no bearing on this case. The Waqf Validating Bill purported to validate certain acts of parties, certain acts which they are allowed to do, not suits. That is a very different matter altogether. The Waqf Validating Act, I think, enacts that waqfs that had been created by parties before the passing of the Waqf Act relating to waqfs in favour of the waqfs' descendants, that in those cases, the waqf should be held to be valid, but the legislature was careful and rightly careful to see that any rights acquired by other parties in the property in the meantime would not be affected. Here, we should not be advancing any such cases. Here suits have been filed, some parties have lost, may be on a technical objection, that is to say, purely legal objection but why should we interfere in their favour? If we do that, I should like to know where we are to end. We should be turning this Legislative Assembly into another court, a court which is to sit in judgment even on the Privy Council. Surely, the Honourable the Law Member will not contend that and I am sure he will not countenance the position which leads to that effect.

I should like the Government to reconsider its position so far as this Bill is concerned and at least postpone its consideration to the September Session. That is the least they can do. There may be some cases which may be adversely affected, some causes may be lost, a position which cannot be helped. We know the courts sometimes do take a wrong view of law, sometimes the Privy Council itself finds it necessary, though in a somewhat disguised form, to amend its own previous interpretation of law, but that is a matter which cannot be helped. It is a matter of everyday occurrence. The position which Government ought to take up is that at least they should not hurry with this Bill but consult the High Courts, consult the Local Governments and consult public opinion before they proceed any further with this measure. As I have said there are always two parties to a litigation, the one party has lost and the other has won. We ought not to interfere because we think the party which won ought not to have won. This is a serious matter which Government ought to consider and we ought not to set a precedent of this nature, because once you do it, you really do not know what cases will not be brought up here.

[Sir Abdur Rahim.]

Parties losing their case in courts will bring a Bill of this nature and that would be an intolerable position. I hope again that the Government will reconsider its position.

The Honourable Sir Brojendra Mitter (Law Member): I have listened to my Honourable friend Sir Abdur Rahim with great interest, and if I agree with him in any respect, it is on one point only, namely, that this is a serious matter. I will go further and say that this is a very urgent matter and not merely serious. As regards the other points, I am sorry I find myself in disagreement with him. He has treated suits on public charities as if they are suits between two private individuals. My Honourable friend Sir Abdur Rahim knows, probably better than anybody else in this House, that the Crown is the protector of public charities and suits between two private individuals are of an entirely different nature from suits relating to a public charity. Therefore when my Honourable friend said

Sir Abdur Rahim: Why does not the advocate General or some other Government official institute such a suit?

The Honourable Sir Brojendra Mitter: My Honourable friend said that Government by bringing in this Bill was helping one of the parties to succeed, that it was helping the plaintiffs to succeed. I do not admit that we are helping anybody to succeed. We are only giving the plaintiffs a chance to succeed and if the plaintiffs do succeed then public charities are rescued from fraudulent trustees. This is the effect of plaintiffs succeeding in suits under section 92. No Government should be ashamed of protecting public charities against fraudulent trustees, but I disclaim the imputation that we are helping any of the parties to succeed in the sense of helping any private interest. We are merely helping the plaintiffs in restoring to them the chance of which they have been deprived by the Privy Council judgment for no fault of their own. That is all that we are doing.

Sir, as regards the genesis of the Bill my friend Sir Abdulla Suhrawardy seemed to be somewhat nervous. In order that there may be no misapprehension I will tell this House exactly what the genesis of the Bill was.

Sir Abdulla Suhrawardy: I did not say so. It was the Secretary of the Honourable the Law Member, Sir Lancelot Graham, who said that, the begetters of the Bill sit on the Opposition Benches.

The Honourable Sir Brojendra Mitter: I will tell the House quite frankly the genesis of this Bill. As soon as the Privy Council judgment was published, I received a large number of telegrams, letters and representations from various parts of the country pointing out that by reason of this judgment hundreds of suits stood liable to be dismissed. What was to be done? When I was considering this matter a private Bill was sent by my friend Mr. Biswas and he wanted to introduce the Bill in this House. I considered that Bill also. I found that it required some revision in the drafting and I also found that if a private Bill were introduced

there was no time for the Bill going through the Legislature this session. And therefore I thought that in the interest of the general public,—not in the interest of this litigant or that litigant,—but in the interest of the general public and, in the interest of public charities of which the Crown was the protector, a measure like this was necessary, to save pending suits from dismissal which was inevitable. Therefore I introduced a Government Bill. For the sake of convenience I introduced it in the Council of State instead of bringing it up here in the first instance. That, Sir, is the genesis of the Bill. There is no secrecy about it; a large number of representations came to me and a Member, an elected Member, did send in a Bill. But I took it upon myself because I was convinced of the urgency of the matter.

Mr. B. Das: Why don't you postpone it till September?

The Honourable Sir Brojendra Mitter: I tell you why. Then all the mischief will have been done. One instance has been given by my friend Mr. Biswas. All lawyer Members of this House know that whenever a suit of this kind is instituted, it is immediately followed up by an application for a receiver and acts of maladministration by fraudulent trustees are alleged. They are investigated and if the court is satisfied that a *prima facie* case has been made out a receiver is appointed as a matter of course. As soon as the receiver is appointed, he takes charge of all the assets of the charitable foundation. He not only takes charge of the assets, but he collects current income. The result is that the alleged fraudulent trustee is out of it for the time being. Now, if this measure is not passed in this session what will happen is this; applications will be made in every pending suit by the defendant that by reason of the Privy Council decision,—they will take no account of a Bill being pending in the Legislature,—the suit is liable to be dismissed. The courts will have no option but to dismiss these suits; all the receivers will be *ipso facto* discharged and all the monies which are in the hands of the receivers will have to be made over to the fraudulent trustees. That will be the effect of postponing the Bill and that is precisely the mischief which we want to prevent.

Sir Abdur Rahim: Why do you call them fraudulent when nothing has been proved?

The Honourable Sir Brojendra Mitter: Sir Abdur Rahim has been a Judge for many years and he will bear me out when I say that no receiver is appointed unless a *prima facie* case is made out; and in these cases of public charity the *prima facie* case which has to be made out is that the trustee has been guilty of fraud or breaches of trust. That being so, whenever you find in these cases a receiver appointed, there is a *prima facie* case of fraud or breaches of trust which has been made out to the satisfaction of the court. And, it is in order to prevent monies which are now in the hands of receivers falling into the hands of fraudulent trustees that it is urgently necessary that no time should be lost in passing this measure.

So, my first point is this. Sir Abdur Rahim is under a misapprehension when he thinks that suits under section 92 are like ordinary suits between two private individuals. These are suits of a different nature

[Sir Brojendra Mitter.]

in which the Crown has a vital interest as the protector of public charities. Secondly, the urgency of the measure is to prevent monies belonging to public endowments and public charities being frittered away by people against whom serious allegations have been made; because, without serious allegations no suit is maintainable under section 92.

Sir Abdur Rahim's next point is that by entertaining this measure the Legislature is usurping the functions of the court. Sir, I submit it is doing nothing of the sort. The Legislature is not called upon to pronounce upon the merits of any suit. It is concerned only with a matter of procedure, a procedure of which Government and all the courts in this country had taken one particular view for the last half century or more. That view of the procedure is now declared by the Privy Council to be wrong. For no fault of anybody but for simply following a procedure, which was honestly believed to be the correct procedure and which all the courts in this country had pronounced to be the correct procedure, numerous pending suits are threatened with dismissal. If the Legislature, in conditions like this and without going into the merits of any case, gives relief to this large body of plaintiffs, that is not usurping the functions of the court. The primary function of the court is to adjudicate upon the merits.

Sir Abdur Rahim: Not on questions of procedure?

The Honourable Sir Brojendra Mitter: I said the primary function of the court is to adjudicate upon the merits. The preliminary function is to see that the correct procedure is followed. If the Privy Council judgment had not been made, all the courts would have said that in these cases the correct procedure had been followed: We are now confronted with the Privy Council judgment which has intervened. What we had considered to be the correct procedure now turns out to be the wrong procedure. In these circumstances it is, I submit, the duty of the Legislature to come to the rescue of the aggrieved people, who for no fault of their own and after having spent money and time for the sake of protecting public charities, now find themselves threatened with dismissal of their suits. That being so, it is peculiarly the function of the Legislature to step in and give relief to these plaintiffs. That is not usurping the function of the courts. We are giving relief against the consequences of the Privy Council decision only in the pending cases.

These are all the points which have been made. I submit that this is not merely a serious matter,—hundreds of suits are pending all over the country,—but it is an urgent matter. If this measure, which we consider to be a beneficent and necessary measure, is to be effective at all, it ought to be passed by this Legislature and today if possible.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, the Honourable the Law Member and the Honourable the Leader of the Independent Party, who are certainly two old legal luminaries in this House, have presented to this House both sides of the shield asking the laymen to judge for themselves. Sir, the Law Member's force of reasoning, I must admit, has dimmed Sir Abdur Rahim's lustre of eloquence. Coming to the argument of my friend, Mr. B. Das, I must certainly say that Mr. Das very rightly stood for

the supremacy of this House over the Council of State, and my friend, the Honourable Sir Lancelot Graham, by bringing down this Bill from the Upper House to the Lower House has acknowledged that supremacy. As that Upper House exists and the law permits that a measure could be brought down from the Upper House to the Lower House to give the final stamp of approval, I do not think anything unconstitutional has been attempted or illegal perpetrated. So far as procrastination of this particular Bill is concerned, quickness of decision has always been considered to be a virtue of the legislators, whether in this country or in any other country; and the very fact that this matter has been discussed in the Council of State—and the discussion in the Council of State was not conducted *in camera*—ought to be sufficient justification for proceeding with the Bill, now that the matter has been before the public for a sufficiently long time for the Members of the House to form an opinion for themselves. I am not an advocate for absentee lawyers on this side of the House. Members of the Legislature, if they are not sufficiently interested in matters coming before the Legislature and are therefore absent, are responsible for their absence and those who are present cannot abdicate their duty. I need not emphasise the urgency of the matter so lucidly and clearly put by the Honourable the Law Member. All that I need say is that my party leaves it an open question while lawyers on my side who are present are on the side of the Honourable the Law Member.

Dr. Ziauddin Ahmad (United Provinces Southern Division: Muhammadan Rural): Sir, I was rather surprised at the speech delivered by my Honourable friend, Mr. Ranga Iyer. I thought he would always fight for the true interests of the Assembly and for justice. But recently he has put on a new mantle and he opposes anything sensible, reasonable, or anything which emanates from the party to which he does not belong. I really do not know.

Mr. President: Will the Honourable Member speak to the motion?

Dr. Ziauddin Ahmad: I am just coming to the motion. One thing I do not understand very clearly is this; here was a private Bill of a certain individual and the Law Member took it upon himself to make it a Government Bill; he did not stop there; he went further and instead of presenting the Bill before this House he went first to the Council of State and brought it down here from that place. I think this reverse process really showed the weakness of the case, because had he really considered it a strong case he would have come to the Legislative Assembly first. I am myself not a lawyer; but the way in which this Bill has been piloted, first as a private Bill, then made into a Government Bill and then taken straight to the Council of State, where any Bill can be carried with certainty, shows the weakness of the whole case. There is one thing which is certain; and that is that any Bill which is brought before the Council of State is as certain to be carried as two and two make four. In the case of the Assembly now, on account of the change of attitude which the Leader of the Opposition has adopted, I say the Government are now mathematically sure to carry any Bill in the Assembly, but till recently the Government were not sure of this position. It was clearly pointed out by the Leader of the Independent Party that the Government ought not really to interfere in a matter like this. It is really the function of the court;

[Dr. Ziauddin Ahmad.]

and if we begin to legislate in this manner, it may be for the interests of individuals or of a particular party, I think we do not know where we will land ourselves. The Honourable the Law Member came out as a champion of endowments. I wish he would support and present a Bill about endowments in general and take possession of all endowments in the country

The Honourable Sir Brojendra Mitter: I wish I could.

Dr. Ziauddin Ahmad: Sir, we have examples of other countries which have taken direct charge of all the endowments, they are administered by the State departments. If he is really a great champion of the endowments and I am sure that he is, he will certainly bring forward a Bill and if he does so I can understand his position and I promise full support. He will certainly be able to carry it in the House. But to interfere in the administration of trusts simply under the excuse that he has brought forward shows the weakness of the method he has adopted and that his whole case is very weak.

Mr. B. V. Jadhav: Sir, I am really surprised to see that there has been so much opposition to this innocent Bill. It is well known that trustees of Hindu temples have turned themselves into absolute owners and have been doing anything they like with the trust property; and as the British Government have been rather indifferent to these things, these persons have been left to enjoy the property as if it was their own. The Civil Procedure Code makes provision for calling these *shebait*s or trustees before the court and asking them to show that they have been administering the trust properly. But the procedure laid down has been a very difficult one and a very expensive one, and unless in very urgent cases, or unless the property is very big, nobody generally thinks of instituting a suit. But the gravity of the situation is shown by the fact that, in spite of these difficulties, so many cases have been pending before the courts all over the country; and it is quite necessary in the interests of justice that these cases should continue to go on, and the wrongful persons or those who have committed breaches of trust should be brought to book. If this Bill is not passed all these persons will be wrongfully benefited and therefore great injustice will be done. My friend, Dr. Ziauddin Ahmad, asked why Government were not taking these trusts under their own management. He cited the instance of a foreign country which was managing its own trusts and perhaps he had the Soviet Government in Russia in view. I wish to inform him that in the State of Mysore, a Muzrai department has been established and is managing all these public trusts; and in the small State of Kolhapur the same thing is going on. So the Hindu Princes are quite alive to the necessity of managing these religious trusts in order to carry out the intentions of the original donors; and I may also state here that the Government of Madras since the reforms have had a Bill passed there and they are managing the endowments of the Hindu trusts also to the benefit of the general public; and the so-called trustees are there brought under check, and that was done by the ministry of the Justice Party. So I whole-heartedly support this Bill and oppose the motion of adjournment.

Several Honourable Members: The question may now be put.

Mr. President: I accept the closure. The question is that the question be now put.

The motion was adopted.

Sir Lancelot Graham: Sir, I have very few remarks to offer at this stage. Firstly, I should like to thank those

Mr. S. C. Mitra: On a point of order, Sir. The motion before the House is that this matter be postponed till the next Simla Session: Is that carried?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): No, No; it is the amendment that is now being debated. The whole question has been allowed to be debated to save time. The motion for postponement will be put to the House after the reply has been given.

Sir Lancelot Graham: I understand, Sir, that I am to reply both on the motion for postponement and

Mr. President: No, there is an amendment for the appointment of a Select Committee.

Sir Lancelot Graham: Therefore, Sir, I am to reply solely on the question of postponement. Very good, Sir. That has been so effectively dealt with that, I think, all that is necessary for me to do is to repudiate the charge which was somewhat light-heartedly levelled against the Government of having introduced this measure in the Council of State in order to prevent the bringing in of a motion in this House that the Bill be circulated. I confess, Sir, I was surprised that my friend Sir Abdullah Suhrawardy should have thought me capable both morally and intellectually of such machinations. That bright idea never suggested itself to me for a moment. We were solely concerned with helping both Houses to get through their business in as reasonable a time as possible. By the time we had decided to bring in legislation on this point, our programme here was so packed that there was no room to insert the earlier stages of this Bill, and therefore it was purely for the convenience of business in this House and the other that we introduced the Bill in the other House. Had we been really as wicked as my friend Sir Abdullah Suhrawardy suggests, we might have moved in the other House the Bill to refer to Select Committee, and if we had done that, then no amendment of any sort could have been moved in this House, except for postponement. Therefore, I think the House will agree that we have not in any way trifled with the dignity and powers of this House. It is fully recognised that in this bi-cameral legislature legislation may be initiated in either Chamber. We do in practice introduce most of our legislation in this Chamber, but I doubt if a single session of this Legislature has passed since 1921 in which some Government measures have not been initiated in the Council of State.

There are one or two points in my friend Sir Abdur Rahim's speech which have really been dealt with by the Honourable the Law Member. My friend said there was no precedent at all for this sort of thing, and we were simply putting a premium on litigants. The justification for this legislation is that the mistake is not really that of the litigants. The error was a universal one, and in my opinion a reasonable one. I am not saying

[Sir Lancelot Graham.]

that the decision of the Privy Council is incorrect. Personally, I am convinced that it was correct, but at the same time I say that the error was a reasonable one, and it was an error on the part of Government. Consequently these litigants had to suffer, and that point has also been dealt with already. These litigants are taking upon themselves a very unpleasant duty in the interests of the public. Their suits are being dismissed on account of a reasonable mistake, and the only way to do any sort of justice, I submit, is to bring in a Bill of this kind and to put it through as quickly as possible, for, Sir, time literally is of the essence of this legislation. People say, "Well, pass this Bill six months later", but I think that Honourable Members who make that suggestion do not realise that litigants have not got an unlimited purse at their disposal. Therefore, it is absolutely essential that no more money nor time should be wasted. It is a waste of time, and therefore this measure should be passed without any undue delay. Sir, I oppose this motion.

Mr. President: The question is:

"That the consideration of the Bill be postponed till the next Simla Session."

The motion was negatived.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The next amendment on the Order Paper is for circulation which cannot be moved under Rule 29.

The next amendment which can be moved stands in the name of Mr. Maswood Ahmad to refer the Bill to a Select Committee.

(Mr. Maswood Ahmad was absent.)

Khan Bahadur Haji Wajihuddin has given notice of the same amendment.

Khan Bahadur Haji Wajihuddin (Cities of the United Provinces: Muhammadan Urban): Sir, I beg to move that the Bill to validate certain suits relating to public matters be referred to a Select Committee consisting of Sir Lancelot Graham, Sir Abdur Rahim, Dr. Ziauddin Ahmad, Sir Abdullah Suhrawardy, Captain Rao Bahadur Chaudhry Lal Chand, Rao Bahadur Pandit, Mr. S. Fazl Haq Piracha, Mr. B. Das, Mr. Amar Nath Dutt, Mr. K. Ahmed, Sirdar Harbans Singh, Mr. Muhammad Muazam Sahib Bahadur, Mr. Ghuznavi and the Mover, with instructions to report in the next session, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five. My reason for moving this amendment is to have an opportunity for the public to go through the whole matter. Sir, I am a layman, a plain man of business, and I cannot understand why there should be such great hurry for upsetting the judgment of the Privy Council, which is the highest court of appeal in the Empire. I am sure there is no public demand asking Government to adopt such a measure. The general public knows nothing about the matter, and therefore public attention should be drawn to it and we the representatives of the public should be given an opportunity to form our opinion. I therefore hope that my motion to refer the Bill to a Select Committee will be adopted by this House.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division: Muhammadan Rural): Sir, there is an amendment in my name in almost identical terms to the one moved by my friend Khan Bahadur Haji Wajihuddin, and if I take this opportunity to say a few words I would spare the House from

repeating the same motion again. I have listened with a great amount of interest to what has fallen from my esteemed friend the Law Member and also from my esteemed friend the Honourable the Leader of the Independent Party. One of the speakers said that on certain matters of importance both Sir Brojendra and Sir Abdur Rahim have differed and it would not be right for others to take a detached view one way or the other. As one more or less connected with this line of business in which Sir Abdur Rahim is and my friend Sir Brojendra was engaged, I think it will be pertinent on my part to say what I most humbly think about the merits of this Bill. The constitutional issue raised by Sir Abdur Rahim goes into the root of the whole matter—whether this Legislature can sit on judgment over the works of the Judicial Committee of the Privy Council.

The Judicial Committee have passed judgments regarding the merits of Section 93 of the Civil Procedure Code—and they say that sanction of Government in all cases must be obtained now. This Bill says that sanctions will be taken from this time upward, but they should like to give relief to those people, who have lost their cases on account of the present ruling with retrospective effect from November, 1931. This, Sir Abdur Rahim said, is improper—and here comes in the conflict. To my judgment Mr. President, Sir Abdur Rahim is right and the action of the Govern-

ment in this matter is certainly wrong. I hope that this is the last occasion on which the Government of India on the legislative side, or for that matter on any side, have been advised to introduce important measures of this kind in the Council of State. We know the importance of having a bi-cameral legislature, but there are certain things which should not be done. Will my Honourable friend Sir Lancelot Graham advise the Finance Member to introduce a Bill which may savour of bringing some money into the coffers of the State, in the Council of State? The Honourable the Law Member by way of meeting the argument of Sir Abdur Rahim said, yes, it is correct that courts here in this country are possessed of two functions, one whether a particular suit which comes before them is of proper jurisdiction, and second, to try the case on its merits. By the introduction of this piece of legislation, the Government have tried to usurp the functions of the court, and the contention of my Honourable friend Sir Abdur Rahim has not been properly met by the Government. Why is this inordinate hurry? I know of instances in which a particular decision was the result of the mental aberration of a Judge of the High Court in this country. People know the kind and quality of cases which come before the judicial tribunals in this country. Cases under section 124 of the Penal Code require the sanction of the Local Government and for want of proper sanction they are dismissed. I am certain my Honourable friend knows very well, and I think some time ago it was represented to him by certain people in this country whether it is not a fact that there have been different kinds of decisions of the highest courts in this country with regard to section 497 of the Criminal Procedure Code. When important cases of that kind are brought to the notice of the Government, I have never known that they have taken any serious notice of them. It is far from me to impute any motive to any side or any person, but it looks outlandish and rather hasty for Government to come in with this piece of legislation at this far end of the session with such a hurry. I know personally we were interested in a case in 1905 that went up to the Privy Council. That was decided by the Privy Council in a correct form—and if the decision of the Privy Council had been given effect to in 1905

[Mr. Muhammad Anwar-ul-Azim.]

or 1906, I assure you, Mr. President, that lots of property would have been saved and those of some very loyal citizens of the Empire. But those are old cases. If we had people of the ability of Mr. Biswas they would have been able to get through legislation to confirm the Privy Council's decision. But that is an old story. My Honourable friend the Leader of the Independent Party asked, what will be the effect if this Bill is taken up in the Simla Session? The reply came from Mr. Biswas, "Oh, the whole world will come down, the receivers will be grabbing the whole money". But my Honourable friend Mr. Biswas knows very well that the receivers have to furnish very heavy securities. It may be personal security sometimes, but the receiver has got to account for every *cowrie* that comes into his hands. Besides Mr. President what is the proof that these trustees are all swindlers? It creates a lot of uneasiness in the minds of us all this side, because this Bill is to be passed immediately. There are more important things which the public thought that the Government should take notice of, but they slept quietly over them and did not take any notice, but this is not likely to hurt anybody, and I am really surprised that Government should simply blurt out that they have hundreds of instances where these people will be penalised. But is this a fact? They have not been able to bring out even one instance. Again, where is the decision of the Privy Council? If it was possible for Members to know where the Privy Council had gone against the existing law, of course, we might have been able to take a proper view. I am surprised that my Honourable friend Mr. Jadhav should so lightly treat the suggestion of Dr. Ziauddin Ahmad. Dr. Ziauddin Ahmad said, if Government were so solicitous with regard to the preservation of old properties, they should have been able to bring in some measure by which those properties could be properly administered.

Mr. B. V. Jadhav: May I inform the Honourable Member that it is a provincial subject and the Provincial Governments may take it up?

Mr. Muhammad Anwar-ul-Azim: What was the reply of the Government? It was a very unconvincing reply. My view is this. If the Bill had been introduced here and allowed to roam over all parts of the country, then public opinion would have been available, we would have seen what the public Press had to say, what the platform had to say, about it. But to merely swallow the whole thing on the speech of Mr. Basu and the Honourable the Law Member, I feel it is rather difficult to do so. Mr. Das and others have taken the constitutional aspect of the case, and they have my support. The Government of India are the victim of many things, and this is an instance in view. The Wakf properties of the Mussalmans will come under the mischief of this Bill.

I am also surprised to see that Government lend their support to measures, which are likely only to benefit a few individuals only.

With these few words, I support the motion of my Honourable friend Khan Bahadur Haji Wajihuddin.

Mr. S. C. Sen (Bengal National Chamber of Commerce: Indian Commerce): I oppose the motion for reference of the Bill to a Select Committee. This is a dilatory motion in par with the two previous ones, and I submit that the Bill need not have been put forward if it could not be passed at once. The whole object of the Bill is to prevent further

mischief being done. The only principle underlying the Bill is to make good a wrong which has been done by reason of a wrong interpretation,—or as my Honourable friend Sir Lancelot Graham said, although it is a mistaken interpretation, it is a reasonable mistake committed by the Local Governments and it is the duty of the Government to come before this House and the other House and to pass a law by which to remedy the wrong which has been unintentionally done to the litigants who at very great expense had taken upon themselves a public duty to do good to the public trusts. As the Law Member rightly pointed out, these suits are not of a private nature but of a representative character as it is called. The plaintiffs represent the public but to represent the public they have to go through certain formalities, one of the formalities being that they should obtain the sanction of the Collector of the districts and of the Advocate General in the Presidency towns. Under section 93 of the Civil Procedure Code the Local Governments have to authorise the Collectors or other persons to give sanction. The Local Governments throughout India took the view that they could by general order authorise the Collectors by general order to give sanction. The Privy Council, however, considered that a general order was not sufficient and that special order in every case was necessary. The result is that all suits now pending are liable to be dismissed for no fault of the parties. Who is the person who will be benefited if this legislation is not passed? The poor fellows who launched into litigation for the public benefit would lose the costs already incurred because the Government officials made mistakes. There is no constitutional question involved in the matters that the Legislature is riding rough-shod over the courts or the judiciary. That is not the question before us. The question before us is merely whether the persons who would ultimately suffer by reason of the decision of the Privy Council upsetting a practice extending over 60 years should be given any remedy, any delay will defeat the object. With these observations, I oppose the motion for Select Committee.

Sir Abdur Rahim: I support the motion to refer the Bill to Select Committee. As I listened to my friend the Honourable the Law Member in support of the motion to take the Bill into consideration, it seemed to me that he has been lapsing into his old habits of an advocate. He has raised points which would be all right in a court of law as coming from an advocate of a certain party, but I do submit to this House that arguments like that are no answer to the important constitutional issue that arises in connection with this measure. The point he wanted to make was that these suits were suits with reference to public trusts and therefore the decision in these suits must be treated on a different basis from decisions on other suits.

The Honourable Sir Brojendra Mitter: No, no.

Sir Abdur Rahim: It comes to that, at any rate that these suits must be treated on a different basis. My friend suggested that public endowments ought to be protected. Is he prepared then to contend that all the suits that are instituted under section 92 of the Civil Procedure Code are really *bona fide* suits and deserve to succeed? Does he not know by experience that many of these suits are *mala fide* and deserve to fail?

The Honourable Sir Brojendra Mitter: All we are saying is this—give the courts a chance to say so.

Sir Abdur Rahim: That brings me to his next point, that the decision of the Privy Council was in regard to a question of procedure and therefore this legislature is entitled to set the Privy Council right. Is that a good argument? Is that a good constitutional argument; because the decision has been on a question of procedure, therefore this Legislature should take up the function of a court of appeal and set aside the decision. Questions of procedure are sometimes very important. Procedure is often the essence of a suit and surely it is the court which is best fitted to say whether the right procedure has been followed. What about questions of limitation? How many suits are not dismissed because they are filed a few days too late. *Prima facie* we may say this is very hard. Could you bring in a law to give relief to those litigants who have been too late? Litigants are sometimes badly advised by lawyers. In that case, is it any justification for the legislature to say—here are these poor litigants who were not at fault. They engaged lawyers, paid them handsome fees in order to derive advantage from their legal experience and technical knowledge and they have been misled. Therefore we must set matters right. Is that really the argument of my Honourable friend the Law Member? I should have thought that the Government would consider this as a serious question and not hurry the Bill like this. They will be establishing a bad precedent. Are Government prepared to bring in Bills of this character, whenever any such cases happen? I should like the Government to declare that. They would be putting themselves in a very false position indeed if they took up an attitude of that kind.

It has been said that this is a very urgent matter. A receiver has been appointed in some suit. Several lakhs of rupees are in his hands and may have to be refunded to the trustees if the decision against the plaintiff stands. That is the position. What have the public been doing all this time and why were not proper steps taken in time against trustees who are now alleged by two or three members of the public to be in the wrong? Are there not many cases of mismanagement in which no action is taken? Are there not honest trustees as well? Are not there trustees who are harassed by interested litigants who easily get a fiat from the Advocate General or the Collector or the Local Government in order to institute suits of this character? Can that be denied? The whole position really resolves itself into this. You are saying that in certain cases litigants should not be allowed to take advantage of the law as has been interpreted by the Privy Council. Is that the right position for Government to take up? I am not interested either in endowments or in persons seeking to set right the administration of any particular endowment. I am raising this question as it involves constitutional issues of very grave importance.

The Honourable Sir Brojendra Mitter: If I understood my Honourable friend Sir Abdur Rahim rightly, he is supporting this motion.

Sir Abdur Rahim: Yes.

The Honourable Sir Brojendra Mitter: Then he accepts the principle of the Bill and he wants this Bill to be referred to a Select Committee to see to the drafting.

Sir Abdur Rahim: That is the least that could be done now.

The Honourable Sir Brojendra Mitter: Either he was speaking on the motion for reference to Select Committee or he was speaking on something outside that motion. I take it that my Honourable friend, the Leader of the Independent Party, would not be guilty of any error of procedure, and he was talking in support of this motion for reference to a Select Committee. Sir, acceptance of a motion for reference to a Select Committee means this that you accept the principle of the Bill, but that there are drafting defects which may be remedied in Select Committee. (*Sir Abdur Rahim:* "Not merely that.") Sir, not a single word has been said in criticism of any of the clauses of the Bill by my learned friend. Therefore I take it he has no quarrel with the drafting of the Bill. The principle is accepted and the drafting is all right. Now I should like to know how he reconciles the two positions he has taken up. He has not criticized any of the clauses. He attacks the principle of the Bill, and yet he supports the motion for reference to a Select Committee! Sir, neither the Mover of this motion nor my friend, Mr. Anwar-ul-Azim, who supported this motion touched upon a single clause of the Bill. So, I take it that all the Honourable Members who are supporting this motion accept the principle of the Bill. If they accept the principle of the Bill, and they find no fault with the drafting then, I have got no quarrel with them.

Rao Bahadur B. L. Patil (Bombay Southern Division: Non-Muhammadan Rural): Sir, I rise to support the motion for referring the Bill to a Select Committee. The Honourable the Law Member just said that the Leader of my Party did not refer to any of the clauses of the Bill. I maintain, Sir, that in effect he did refer to the clauses of the Bill in this way. He said that when a suit is dismissed, important rights accrue to a certain party. Now the question before us is, are we going to disappoint him? Are we going to take away his rights accrued after the suit has been dismissed? That is the point that was made. Now let us consider some of the clauses of the Bill. There is a clause in that Bill that suits already dismissed after some date in November until the passing of this Bill into law will be restored by reason of this Bill being passed into law. If that is so, what provision have you made for making amends to the person whose rights you are going to take away now? That, Sir, was the thing that was pointed out by my Honourable friend, Sir Abdur Rahim, and that is the reason why I support this motion; because if this Bill goes to Select Committee, they will at least make certain provisions for the benefit of persons who will suffer by reason of this Bill being passed. Then, Sir, my Honourable friend, Sir Abdur Rahim, discussed every implication arising out of this Bill and he also touched upon the principles involved in this Bill. It is true that we cannot go against the principle, but I submit that we get still another opportunity to throw away the Bill altogether and it is for that reason that my friend still spoke on the principle. Now let me point out that there is absolutely no hurry for passing this Bill into law. It is submitted by the Honourable the Law Member that if at all this Bill is to be passed, it must be passed in this session only because he says that the public trusts are in danger, that the trustees are likely to fritter away public money. I say this is very rare; because as a practising lawyer

[Rao Bahadur B. L. Patil.]

I know a number of vexatious suits filed against trustees simply because there is a private grudge, simply because they themselves are not the trustees.

Then, Sir, what is the procedure before suits are filed? A copy of the plaint is sent either to the Advocate General or to the Collector of the district and he considers the plaint from top to bottom and from bottom to top. He will consult his subordinates and he will take their opinion. If the matter in question is a serious one or if he thinks that really the property is in danger and that there is any possibility of money being frittered away, certainly he will personally undertake to prosecute the case. If we look into the provisions of the section, we will see that there is discretion given either to two persons among the public or to the Collector or to the Advocate General himself to prosecute the suit. Therefore I say in all cases where there is any serious danger to public money, suits are undertaken by the Collector or by the Advocate General. My Honourable friend the Law Member or the Honourable Member in charge of the Bill may be knowing how many suits are actually filed by the Advocate General or the Collectors; will they look into their records? I submit they must be very few and can be counted on one's fingers.

Then, Sir, I ask, is it fair that we should sacrifice the principle involved, or that we must allow some property to be wasted away? The former course, I think, is inadvisable because, as my esteemed leader submitted, we would be setting up a very bad precedent. Is it proper for this Legislature to lend its helping hand to all defaulters, to all people who are negligent and who have with eyes wide open neglected to take proper precautions, to obtain proper sanction? For these reasons I heartily support the motion for reference to a Select Committee.

Some Honourable Members: The question may now be put.

Diwan Bahadur Farbilas Sarda: Sir, I wish to say a word with regard to the two points which have recently been made. It was said that this Bill makes the Legislative Assembly sit as a judge to correct the mistakes of the Privy Council. As I understand the Bill, this is not a proper representation of the case. The Privy Council have interpreted the law in one way. The Local Governments have interpreted it in another way. This Bill does not say that we shall correct the interpretation of the Privy Council. This Bill has been brought in only because the Government think that the Local Governments have wrongly interpreted the law, and in order that the wrong interpretation may be set aside and that any losses caused to people because of the wrong interpretation put upon it by the Local Governments may be made good, it is because of that that the Government have undertaken this Bill. I think it was also asked, will Government bring forward such validating Bills again? I think if such circumstances arise again, then it will be the bounden duty of Government to bring forward such Bills. If any people, litigants or others, are put to loss because of Local Governments' mistakes, it is the duty of the Government of India to put the thing right and validate these things so as to save the people from unnecessary loss. I think, Sir, that as the whole thing was due to the mistake of the Local Government, the Government of India have done

very well in bringing forward this Bill, and I think we must thank the Government of India for so speedily trying to put things right. (Hear, hear.) We have to thank the Government instead of condemning it.

(Several Members moved that the question be now put.)

Mr. President: The question is that the question be put.

The motion was adopted.

Sir Lancelot Graham: Sir, I do not wish to take up the time of the House but I think my Honourable friend the Law Member has conclusively shown that my Honourable friend Sir Abdur Rahim, at any rate, thought he was merely supporting a dilatory motion and did not renege that he was accepting the principle of the Bill. The House has already given its decision on the earlier dilatory motion, and although this motion in form is not a dilatory motion, I have no doubt at all in my mind that it really was intended to be a dilatory motion and there are no arguments for me to meet now because all those arguments have been put forward before. Therefore, I oppose this motion.

Mr. President: The question is:

"That the Bill to validate certain suits relating to public matters be referred to a Select Committee consisting of Sir Lancelot Graham, Sir Abdur Rahim, Dr. Ziauddin Ahmad, Sir Abdu'lla Suhrawardy, Captain R. B. Chaudhri Lal Chand, Rao Bahadur S. K. Pandit, Mr. S. Fazl Haq Pirana, Mr. B. Das, Mr. Amar Nath Dutt, Mr. K. Anand, Sardar Harbans Singh, Mr. Muazzam Sahib Bahadur, Mr. A. H. Ghuznavi, and the Mover, with instructions to report in the next session 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. President: The question is:

"That the Bill to validate certain suits relating to public matters as passed by the Council of State be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Mr. President: Clause 3.

Mr. B. Das: Sir, I beg to move:

"That clause 3 be omitted."

I do not mind Government passing clause 2 which is legislating to give effect from the date this Bill is enacted into an Act by the sanction of this House. But clause 3 introduces a phase which no elected Member of this House should subscribe to, because here, we are going to invalidate the judgment of the Judges, and why should we do it? I do not know whether this has happened in the past. My lawyer friends say that it happened once or twice in a blue moon. This is not a case which happens very often. As my Honourable friend Mr. Sen said, if mistakes had been made, they must be

[Mr. E. Das.]

recurred. But who committed the mistakes? If the Local Government made mistakes, then blame the Local Government, sack the Local Government, dismiss the Governor, the District Magistrate and everybody. Even the Advocate General who advised the Government never pointed out these mistakes and today we condone the mistakes of the Local Governments and Advocate Generals. I am not here holding a brief for the Local Governments. I therefore suggest to the Honourable Member my friend Sir Lancelot Graham, if he subscribes to the principle of clause 3, he should bring it out in the form of an Ordinance and not take the sanction of the elected Members of this Assembly. That we should here legislate against judgments passed by High Court Judges, and Judges of Privy Council under any form of procedure is intolerable. May I ask the Honourable the Law Member whether he is going to introduce that practice into everything and into every kind of mistakes which the Government of India make. I do not think my Honourable friend the Law Member would advise his colleagues in the Executive Council to do that. If he had given proper advice, these Ordinances would not have been enacted. If the Honourable the Law Member is so much alive to the situation in the country, he would have strongly differed from his colleagues about the Ordinances. The Honourable the Law Member in his first speech observed that the opinions of the High Courts and Local Governments have been collected and the Government of India hold certain views

The Honourable Sir Brojendra Mitter: I never said that opinions had been collected. What I said was that the High Courts, all the Courts and all the Governments had gone wrong according to the judgment of the Privy Council. Hitherto the view taken not only by Local Governments but by the High Courts, the subordinate courts and by all the lawyers practising in this country was all one way and that view now turns out to be wrong. The view universally held is now held to be wrong.

Mr. B. Das: I am glad to know that all the High Court Judges have gone wrong. I do not mind clause 2 of the Bill. But in clause 3 you are going to ask that the judgments already delivered should be quashed. You are invalidating certain judgments. Who is going to pay the costs of those parties? They will all bring out their taxed costs. Under the terms of their contract, high officials of Government won't pay. If the Honourable the Law Member and my Honourable friend Sir Lancelot Graham are so anxious about the parties who are involved in this case, why do they not put in another clause to the effect that these judgments will be quashed and the money that has been spent by the different parties will come from the pockets of the Local Governments, of course, Local Government means tax-payers' pockets.

Mr. K. C. Neogy (Dacca Division: Non-Muhammadian Rural): Out of the pocket of the Law Member and High Court Judges, perhaps.

Mr. B. Das: Or as my Honourable friend Mr. Neogy suggests why should not the costs be met out of the salaries of High Court Judges or even of my Honourable friend the Law Member. I think, Sir, this is a piece of jobbery. It is an outrageous clause which is embodied in this clause 3. It is a piece of jobbery.

Mr. C. C. Biswas: It is a legislative jobbery.

Mr. B. Das: Yes, it is a legislative jobbery of which my Honourable friend Mr. Biswas is the inspirer. It is an outrageous way of doing things which I think every elected Member should oppose and vote down.

Mr. S. G. Jog: On this side of the House, as a Member of the Nationalist Party, I have got great respect for my Honourable friend Mr. Das. I generally take him as a very safe guide to follow in all other matters except law. As a lawyer I think in this particular case I must use my own discretion even at the risk of throwing my revered friend overboard. I can certainly excuse my engineering friend of not understanding the urgency, the necessity, the equity and the justice of the measure that has been introduced. I can certainly excuse him, but I am not prepared to excuse my lawyer friends who take a different view of the whole measure. My Honourable friend's suggestion is to omit clause 3, that is practically taking the soul out of the body. If the suits that have been dismissed are not to be restored, then what is the remedy? Why should these people suffer for the mistakes of so many judicial officers for which they are not at all responsible? A particular view has been taken for nearly a century, and fortunately or unfortunately it was not brought to their notice, and for this should the people suffer? I think Government would have been charged with some other things if they had not moved this Bill and moved it in such haste and hurry for bringing relief to these litigants. Sir, I oppose the amendment proposed by Mr. Das.

Mr. C. C. Biswas: Sir, I will just point out that such instances of intervention of the Legislature are not at all rare. For instance, when the Privy Council held that in regard to certain suits on mortgages the sixty years' limitation was not applicable, but the 12 years' rule would apply although all along the sixty years' rule was held to apply, what happened? The Legislature intervened, and they added a provision in the Indian Limitation Act by which they provided

An Honourable Member: That was not done in one day; it took two months.

Mr. C. C. Biswas: I thought that aspect of the question was disposed of by the amendments which have been defeated. Now we are on the merits of the Bill, and I am pointing out that exactly the same thing was done in regard to the Indian Limitation Act as is now proposed in respect of section 93, Civil Procedure Code. That was also done in consequence of a decision of the Privy Council to the effect that the sixty years' rule would not apply, but the 12 years' rule. I refer to section 31 of the Limitation Act. It expressly provided that where in any such case the claim of any mortgagee was wholly or partly dismissed or extinguished after a particular date because of the view taken by the Privy Council, the courts shall restore such suits upon application made within two years; because those suits would not have been liable to be dismissed upon the view of the law, which had prevailed for a long time but was now unexpectedly turned down by the Privy Council. The whole idea was to save suitors from the consequences of an unexpected decision. Exactly the same thing is happening here. If you have the Bill, you must have clauses 3 and 4.

Mr. C. S. Ranga Iyer: Sir, there is just one word I want to say. I wish my Honourable friend Dr. Ziauddin Ahmad were present here to witness the very enjoyable spectacle of the Chief Whip of my Party, Mr. B. Das, a martyr to conviction, cheerfully becoming a pleasant pin-cushion to Members sitting behind him. On this motion as on other previous motions we have left the matter an open question and are animated by no animus towards the Independents (Hear, hear) on the undependable Benches. (Laughter.)

Sir Lancelot Graham: Sir, there is really very little that I wish to say on this point, but I think we are doing the fairest thing we can do. This clause will have the effect of restoring the *status quo ante* and allowing the suit to be decided on its merits. I can imagine nothing more just, I therefore oppose the amendment.

Mr. President: The question is that clause 3 be omitted.

The motion was negatived.

Clause 3 was added to the Bill.

Mr. B. Das: Sir, I move that clause 4 be omitted. I listened very attentively to the very short speech that my Honourable friend Sir Lancelot Graham made and he said that in equity and fairness clause 3 should be maintained. I should like to ask him one or two simple questions. I want to know why a decree that has been passed after the 30th day of November 1931 should be set aside. Why not the 30th November of 1930 or some other previous year?

Sir Lancelot Graham: Because that is the date of the Privy Council judgment.

Mr. B. Das: If my Honourable friend was so kind and so fair to the litigants, why did he not think of refunding the money that the litigants spent in the previous cases and which they fought and won? Will the Local Governments or the Government of India bear those costs? Sir, I have heard it mentioned by previous speakers that the public is spending money at great sacrifice and the trustees are spending money for these law suits. I am not interested in these mutts, or wakfs or religious trusts, whether belonging to Hindus or Muslims. I am not concerned with the fact whether the trustees mismanage the funds in the name of the public or whether the original owner who is some *mahant* mismanages them. But when the previous speakers mentioned that the public are spending their own money like water, I ask them, who told them to spend their own money? They are spending that money surely with the idea that when they get hold of the three lakhs, which my friend Mr. Biswas said is lying somewhere in the bank, they will take a share out of that. So, Sir, it is not a fact that those who have advocated this Bill and those who spoke on behalf of the trustees have done all philanthropic work. The trustees have some ulterior motives as also the other side, the old proprietors, the *mahants*, had ulterior motives. But I accuse the Government of the serious charge that they are doing something which is outrageous and which should not be done on the eve of great constitutional changes.

Sir Lancelot Graham: Sir, all I can say is that if I am doing something quite outrageous, I am quite content to have a large majority of the House with me.

Mr. President: The question is that clause 4 be omitted.

The motion was negatived.

Clause 4 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, as passed by the Council of State, be passed.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): Sir, during the past ten years I have never found the Government so very reasonable and so very alert to protect the interests of the people entrusted to its care. I congratulate the Honourable the Law Member as also my Honourable friend behind who has been the inspirer of a Bill like this. We in Bengal certainly want that these suits should not be thrown out on a very technical ground. At the same time I should be wrong if I were not to state before this House what I feel about this particular piece of legislation and also about the judgment of the Privy Council. Sir, every lawyer is aware of the doctrine of *factum valet*, and it was up to the Privy Council to act up to that doctrine and say that when things have been going on for a series of years like this they must accept it and not base their judgment on such technical flaws. I think the Privy Council was wrong in not acting up to the doctrine of *factum valet* or is it that they thought that this was a case in which the doctrine of *factum valet* did not apply. In either case I believe that it is not for us to legislate so as to upset the judgment of the highest court of the British Empire. With all my sympathies for those who would suffer if this Bill were not passed—in fact no one will be more pleased if this Bill is passed for the particular case to which reference has been made here; but at the same time I cannot deny that this is neither our province, and it is not our duty as legislators, if I may say so, to enact a measure like this. I ask myself: have we ever found that when really the public charities and interests of the poor people were at stake, Honourable Members coming in such haste and introducing measures like this? I have not. Perhaps they have turned over a new leaf and I hope they will continue in future to do so.

In the Bill which came into our hands, I find the Statement of Objects and Reasons is dated the 8th March, 1932. The swiftness with which this Bill was introduced in the House of Elders just to shut it out of not very obliging Members here, who might file an amendment motion for circulation, was very cleverly done. I wish that all this zeal had been shown in a better and a higher cause. If I am saying anything about the principle of the Bill, it is because I feel that this Bill is certainly not a happy specimen of either the intellect or the heart of my Honourable friend over there for whom I have the greatest admiration and respect. In fact my idea has been that some one must have persuaded him to such an extent that he could not resist the temptation

The Honourable Sir Brojendra Mitter: The force of public opinion.

Mr. Amar Nath Dutt: As for public opinion, I have not as yet found any meeting held in any part of the country, or either anything in the newspapers or elsewhere. I really welcome the provisions of the Bill

[Mr. Amar Nath Dutt.]

which is very salutary, and I am glad that it is going to be passed. All this I say (Laughter); but at the same time the lawyer's sense in me revolts when I find that the highest law officer of the Crown, after a brilliant career at the Calcutta High Court and at the bar, and being Law Member, has become the victim of enacting such a measure as this. We also heard that this was following a decision of the Privy Council; if that were so, I think it was up to him to come at that time; and when he did not come at the time but comes now, people should not be criticised if they hold that there must be something behind, something at the bottom of it all. Whatever that might be, I congratulate my Honourable friend on this Bill, and I whole-heartedly accept the provisions of the Bill for the welfare of the public; but I protest against the manner in which this Bill has been rushed through, and if there be any occasion in future I will demand of Government to do things like this when the imperative interests of my country and my countrymen demand it; and if they fail to do anything at that time, I will say that they are not sincere. I hope they will remember this. Of course my Honourable friend the Leader of the House is going away; I know he would have been true to his promise if he had been here and another Member of the Government has gone away already; but I hope their successors will follow in their footsteps and hence forth be more alert in preserving the public interests and the interests of the people.

Mr. C. C. Biswas: Did not my Honourable friend sign a representation to the Viceroy that a Bill of this kind should be brought forward?

Mr. Amar Nath Dutt: Yes; and so I say I am happy that this Bill has come up.

Sir Lancelot Graham: Sir, I have merely to say that I thank my supporters—both those who approved of the Bill and those who disapproved of the Bill; I understand they all support me.

Mr. President: The question is:

"That the Bill to validate certain suits relating to public matters, as passed by the Council of State, be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 5th April, 1932.

LEGISLATIVE ASSEMBLY.

Tuesday, 5th April, 1932.

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

MEMBER SWORN:

Mr. James Richard Blair (Government of India: Nominated Official).

STATEMENT RE SOUTH AFRICA.

The Honourable Sir George Rainy (Leader of the House): Sir, the House will remember that on Saturday last I intimated that a statement would be made on behalf of Government to-day regarding South Africa. In the ordinary course that statement would have been made by the Honourable Member in charge of the Department Sir Fazl-i-Husain, but as he is unavoidably detained in another place, I would ask your special permission, Sir, for the statement to be made by Mr. Bajpai on his behalf.

Mr. G. S. Bajpai (Government of India: Nominated Official): In accordance with paragraph 7 of the Cape Town Agreement of 1927, delegates of the Government of the Union of South Africa and of the Government of India met at Cape Town from January 12th to February 4th, 1932 to consider the working of the Agreement, and to exchange views as to any modifications that experience might suggest. The delegates had a full and frank discussion in the Conference, which was throughout marked by a spirit of cordiality and mutual good-will.

2. Both Governments consider that the Cape Town Agreement has been a powerful influence in fostering friendly relations between them, and that they should continue to co-operate in the common object of harmonising their respective interests in regard to Indians resident in the Union.

3. It was recognised that the possibilities of the Union's scheme of assisted emigration to India are now practically exhausted, owing to the economic and climatic conditions of India as well as to the fact that 80 per cent. of the Indian population of the Union are now South African-born. As a consequence, the possibilities of land-settlement outside India, as already contemplated in paragraph 3 of the Agreement, have been further considered. The Government of India will co-operate with the Government of the Union in exploring the possibilities of a colonisation scheme for settling Indians, both from India and from South Africa, in other countries. In this investigation, which should take place during the

[Mr. G. S. Bajpai.]

course of the present year, a representative of the Indian community in South Africa will, if they so desire, be associated. As soon as the investigation has been completed, the two Governments will consider the results of the inquiry.

4. No other modification of the Agreement is for the present considered necessary.

5. Before passing on to the Transvaal Asiatic Tenure (Amendment) Bill, Honourable Members would, perhaps, like me to comment on the more important points in the settlement which I have just announced.

(1) Recognition by the two Governments of the need of continued co-operation in the common object of harmonising their respective interests in regard to Indians resident in the Union justifies the hope that friendly relations between South Africa and India, which are of such vital importance to the Indian community in the Union, will continue.

(2) It had become increasingly evident for sometime before the Conference met at Cape Town that Indian opinion both in South Africa and in India had become unfavourable to the scheme of assisted emigration to India. This was due to no shortcoming on the part of either Government but primarily to climatic and economic causes, and the fact that 80 per cent. of the Indian population of South Africa were born in the Union. The recognition by the Union Government that the possibilities of this scheme are now practically exhausted should be received with considerable relief by Indian opinion on both sides of the ocean.

(3) The proposal that the possibilities of land-settlement outside India should be examined merely carries out an integral part of the 1927 Agreement. It may be welcomed on two grounds:

(i) If it results in a satisfactory scheme of land settlement, it may provide an outlet, especially to the younger generation of Indians in South Africa, in a country where they may have greater opportunities both for economic development and for political self-expression.

(ii) The association of a representative of the South African Indian Congress in the investigation will not only be a valuable safeguard for the inquiry, but constitutes an experiment in collaboration between the Union Government and the Indian community in South Africa which, it is hoped, will be extended to other fields.

(4) The Agreement stands unmodified except as regards the scheme of assisted emigration to India, and the proposed exploration of the possibilities of land settlement elsewhere. This means, to mention only two points out of the last Agreement, that the Government of the Union continue to adhere to the policy of uplifting the permanent section of their Indian population, and that the Government of India will continue to maintain in South Africa an Agent whose presence has admittedly proved most helpful alike to the Indian community in South Africa and to the promotion of friendship between the two countries.

6. I shall now endeavour to deal with the Transvaal Asiatic Tenure (Amendment) Bill copies of which are also before Honourable Members. The Conference decided that it should be considered by a sub-committee

consisting of two representatives of each Delegation. After discussion in the sub-committee Dr. Malan, who was one of Union representatives, agreed to place informally before members of the Select Committee, which had prepared the Bill, the suggestions of the delegates from India. The results of this consultation may be summarised as follows:

(1) Clause 5 of the Bill which embodied the principle of segregation by providing for the earmarking of areas for the occupation or ownership of land by Asiatics has been deleted. Instead, the Gold Law is to be amended to empower the Minister of the Interior, after consultation with the Minister of Mines to withdraw any land from the operation of sections 130 and 131, in so far as they prohibit residence upon or occupation of any land by coloured persons. This power will be exercised, after inquiry into individual cases by an impartial commission presided over by a judge, to validate present illegal occupations and to permit exceptions to be made in future from the occupational restrictions of the Gold Law. It is hoped that liberal use will be made of this new provision of the law so as to prevent the substantial dislocation of Indian business which strict application of the existing restrictions would involve, and to provide Indians in future with reasonable facilities to trade in the mining areas without segregation.

(2) The Bill has also been amended so as to protect fixed property acquired by Asiatic companies up to 1st March, 1930, which are not protected by section 2 of Act 37 of 1919. This will have the effect of saving many Indian properties which, though not acquired in contravention of the letter of the Act of 1919, were acquired contrary to its spirit.

(3) Local bodies, whom clause 10 of the Bill required to refuse certification of fitness to an Asiatic to trade, on the ground that the applicant may not lawfully carry on business on the premises for which the licence is sought, shall have to treat a certificate issued by a competent Government officer to the effect that any land has been withdrawn from the restrictive provisions of sections 130 and 131 of the Gold Law as sufficient proof that a coloured person may lawfully trade on such land. As it is proposed to maintain hereafter a register of all lands in proclaimed areas where Asiatic occupation is permitted, such a provision should prove a valuable safeguard to the Indian community.

7. As against these important concessions, it has to be recognised that the recommendations of the Indian Delegation that areas like Springs and de-proclaimed land, to which the restrictions of clauses 130 and 131 do not at present apply, should not be made subject to them, and that lease for ten years or more should not be treated as fixed property have not been accepted. On the balance, however, the amendments which, subject to ratification by the Union Parliament, have been made in the Bill represent a substantial advance on the original Bill.

8. I must apologise to the House for the length of the statement. I have endeavoured to make it as brief as is compatible with clarity. Government had hoped that it would be possible to make the announcement earlier, but this was found impossible as the results of the Conference have to be published in both countries simultaneously, and the Union Parliament reassembles only today after the Easter recess. Government trust, however, that keeping in view the difficulties inherent in the problem, and after consideration of the statement which has been made today, Honourable Members will feel satisfied with the results achieved.

Mr. B. Das: May I ask a supplementary question

Mr. President: The whole subject will come up for consideration on a Resolution and then the House can deal with it.

STATEMENTS LAID ON THE TABLE.

BIRTH AND DEATH RATES IN AJMER-MERWARA.

Sir Frank Noyce (Secretary: Department of Education, Health and Lands): I lay on the table the information promised in reply to unstarred question No. 212 asked by Khan Bahadur Haji Wajihuddin on the 23rd March, 1932.

Final reply to unstarred question No. 212 by Khan Bahadur Haji Wajihuddin, regarding births and deaths in Ajmer City, asked on the 23rd March, 1932.

(Ad interim reply was given on the 23rd March, 1932.)

(a) (1) The figures quoted by the Honourable Member, which apparently refer to Ajmer Municipality only, are not quite correct. The correct figures are:

	Birth rate per mile.	Death rate per mile.
1912-13	19.58	32.70
1913-14	19.65	33.95

(2) The number of deaths reported exceeded the number of births registered in 1913-14 by 1,238. It is believed, however, that the registration of births in that year was very defective.

(b) No. What Major Lumsdon said was—

“So large an excess of deaths over births is due partly to the bad sanitation of the city and partly to imperfect registration of births”.

(c) A complete drainage scheme involving very large expenditure has been prepared and will be carried out gradually as funds permit. Government intend to do all they can to improve public health conditions in the Municipality as soon as possible.

BAD DRAINAGE OF AJMER CITY.

Sir Frank Noyce: I lay on the table the information promised in reply to unstarred question No. 213 asked by Khan Bahadur Haji Wajihuddin on the 23rd March, 1932.

Final reply to unstarred question No. 213 by Khan Bahadur Haji Wajihuddin, regarding bad drainage of Ajmer City, asked on the 23rd March, 1932.

(Ad interim reply was given on the 23rd March 1932.)

(a) A copy of Lt.-Col. Dff. Mullen's report is laid on the table of the House.

(b) The attention of the Honourable Member is invited to the reply given to part (c) of his question No. 212.

Report referred to in the reply to (a) of the statement laid on the Table in reply to unstarred question No. 213.

Drainage.

As regards drainage, an expert ought to be engaged to draw up a comprehensive scheme for the whole city, and this scheme could be worked out gradually as funds were available. At present, although a lot of money has been spent on it at different times

STATEMENTS LAID ON THE TABLE.

the drainage is ludicrously defective. Kaiser Ganj is a hotbed of Typhoid fever in consequence of sullage water stagnating for want of proper drainage. I believe something might be done towards removing sullage and waste water from the higher parts of the city by means of two inch pipes leading from cisterns placed at the higher levels to a reservoir outside the city wall at a low level and from thence taken to the Tram Depot. The pipes are inexpensive, and this plan would do away with a certain amount of cartage within the city, a boon to be appreciated.

DFF. MULLEN, M.D., Surgeon,
Lt.-Col.,
Civil Surgeon, Ajmer.

HIGH DEATH RATE IN AJMER.

Sir Frank Noyce: I lay on the table the information promised in reply to unstarred question No. 218 asked by Khan Bahadur Haji Wajihuddin on the 23rd March, 1932.

Final reply to unstarred question No. 218 by Khan Bahadur Haji Wajihuddin, regarding infant mortality in the Ajmer Municipal area asked on the 23rd March, 1932.

(Ad interim reply was given on the 23rd March, 1932.)

(a) (1) Yes.

(2) No.

(b) The correct figures of birth and death rates in 1930-31 were:

Births 26.7 per mile.

Deaths 33.9 per mile.

(c) Efforts are being made to improve the existing conditions by means of health propaganda, maternity and child welfare work and by improving the sanitation of the town.

MOTOR MAIL CONTRACTS IN BOMBAY, MADRAS AND BENGAL.

Mr. T. Ryan (Director General of Posts and Telegraphs): I lay on the table the information promised in reply to parts (a), (b) and (c) of starred question No. 818 asked by Rao Bahadur B. L. Patil on the 16th March, 1932.

List of contracts for the carriage of mails promised in reply to parts (a), (b) and (c) of the starred question No. 818 asked by Rao Bahadur B. L. Patil on the 16th March, 1932.

Names of Presidencies.	Particulars of contracts.	Names of contractors.	Amounts of monthly subsidy paid.	Remarks.
Bombay	(1) Bombay city mail motor service.	Messrs. Bombay Cycle and motor Agency, Ltd., Bombay.	Rs. 7,000	
	(2) Poona city mail motor service.	Messrs. Panchgani Motor Service, Poona.	1,075	

Names of Presidencies.	Particulars of contracts.	Names of contractors.	Amounts of monthly subsidy paid.	Remarks.
Madras	(1) Madras city mail motor service.	Messrs. The Garage Ltd., Madras.	Rs. 9,000	*The contract has been given to Messrs. The Bangalore motor service for a period of 3 years with effect from 1st April, 1932 on a monthly subsidy of Rs. 1,445.
	(2) Bangalore city mail motor service.	Messrs. Mackenzie & Co., Bangalore.	2,000*	
Bengal	(1) Calcutta mail motor service.	Messrs. The Garage (Calcutta) Ltd.	16,500	
	(2) Dimapur-Imphal mail motor service.	The Manipur State Durbar.	3,000	
	(3) Pandu-Gauhati-Shillong mail motor service.	Messrs. The Commercial Carrying Coy., Ltd., Shillong.	2,083-5-4	

CONTRACT FOR THE CONVEYANCE OF MAILS BETWEEN ERODE AND SATYAMANGALAM.

Mr. T. Ryan: I lay on the table the information promised in reply to starred questions Nos. 515 and 516 asked by Mr. Bhuput Sing on the 29th February, 1932.

Starred question No. 515.

- (a) No; the Postmaster-General decided to accept the tender but acceptance was not communicated to the party concerned.
 (b) The Superintendent refrained from making the contract pending the result of a reference by him to the Postmaster-General.
 (c) No.
 (d) Yes, under the orders of the Postmaster-General.
 (e) Does not arise in view of replies to (c) and (d) above, but the action of a subordinate officer in suggesting reconsideration of orders issued to him before acting on them is not necessarily out of order.

Starred question No. 516.

- (a) Yes, except that the orders alluded to were not communicated to the tenderer and were not exactly 'final' orders.
 (b) Yes, unless the invitation to retender be covered by the term "negotiations".
 (c) The first order was reconsidered before the execution of any agreement, because the Postmaster-General became aware that another tenderer was prepared to make a revised offer and accordingly fresh tenders were called for to give both parties an equal opportunity in the matter.
 (d) It is a fact that the tenderer in question holds the contract for another mail line Erode to Dharapuram. Government have no information regarding the testimonials held by him.
 (e) The agreement was made with the present contractor because it resulted in a decided advantage to Government. The action of the Superintendent was approved by the Postmaster-General.

THE RAILWAY HOSPITAL AT NAGPUR.

Mr. J. R. Blair (Government of India: Nominated Official): I lay on the table the information promised in reply to parts (a) and (b) of starred question No. 71 asked by Sir Hari Singh Gour on the 27th January, 1932.

Statement giving the information promised in reply to parts (a) and (b) of starred question No. 71 asked by Sir Hari Singh Gour on the 27th January, 1932, regarding the railway hospital at Nagpur.

(a) Yes.

(b) The Medical officer at present in charge of the Railway hospital at Nagpur is an Indian.

THE ANCIENT MONUMENTS PRESERVATION (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Sir Frank Noyce (Secretary, Department of Education, Health and Lands): Sir, I present the Report of the Select Committee on the Bill to amend the Ancient Monuments Preservation Act, 1904, for certain purposes.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

Sir Lancelot Graham (Secretary, Legislative Department): I beg to move that the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, as passed by the Council of State, be taken into consideration: Those Members of the House who have read the Bill will realise that it is a very small matter of procedure which is being dealt with by this legislation. It is an addition to the Code of Civil Procedure for the purpose of enabling Courts in British India to take evidence for foreign tribunals in civil and commercial matters. As pointed out in the Statement of Objects and Reasons, there is no specific provision in the law of India prescribing the procedure to be followed in such matters, and it is desirable that the outlines of the procedure to be followed should be shown in the Code of Civil Procedure, in order to secure a general uniformity in the practice of the various High Courts and for the guidance and information of foreign tribunals. That, Sir, is the whole extent of the Bill. I do not think that it is necessary for me to say anything more at this stage: Sir, I move.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): I do not move my amendment.*

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): We do not oppose this motion.

Mr. President: The question is:

"That the Bill further to amend the Code of Civil Procedure, 1908, for a certain purpose, as passed by the Council of State, 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.

* "That the consideration of the Bill be postponed to the next Simla Session."

Sir Lancelot Graham: I move that the Bill, as passed by the Council of State, be passed.

The motion was adopted.

THE INDIAN PARTNERSHIP BILL.

Sir Lancelot Graham (Secretary, Legislative Department): I move that the amendments made by the Council of State in the Bill to define and amend the law relating to partnership be taken into consideration.

Honourable Members will remember that this Bill was passed through this House in the earlier stages of this session. At that time an amendment somewhat late in the day was moved by my learned friend Diwan Bahadur T. Rangachariar, and in accepting the principle of that amendment, we stated that we should have to re-examine the draft to make sure that it fitted in with the rest of the Bill. On a re-examination of the draft, we decided that it was desirable to make a formal amendment in the amendment passed by this House. That, Sir, is the explanation of the amendment to sub-clause (6) of clause 30 of the Bill. No alteration has been made in the principle laid down by that amendment. Then, another matter on which it was hinted in this House that an amendment was desirable was in connection with some relief to be granted in matters of registration of partnerships. My Honourable friend Mr. Sen suggested it but he had not got an amendment tabulated to our satisfaction. We said that we would examine that proposal and if we approved of it, we would insert an amendment to the effect in the Council of State. That is how the amendment came into the Bill. The third amendment is a purely drafting amendment to clause 11. The words, "Subject to the provisions of this Act" have been added in order to make sure that there is no clash between the different clauses of the Bill. Sir, there having been no amendments of substance made by the Council of State, I do not think it is necessary for me to dilate at length on these formal amendments. I therefore move that these amendments be taken into consideration.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): I do not move my amendment.*

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara: General): I rise to support the motion made by my Honourable friend Sir Lancelot Graham. These amendments have been made as a result of suggestions made in this House when the Partnership Bill was under discussion here. Though the amendments do not fully cover the ground which I suggested during the discussion, they go to a certain extent to give relief to small partnerships, and are useful to people who engage in small partnership business. I think we should all support the Bill; Sir, I support this motion.

Mr. C. C. Biswas (Calcutta: Non-Muhammadan Urban): I was only waiting here for my Honourable friend Mr. Mitra to show in what respects this was controversial measure!

Mr. President: The Honourable Member knows that Mr. Mitra did not move his amendment.

The question is:

"That the amendments made by the Council of State in the Bill to define and amend the law relating to partnership be taken into consideration."

The motion was adopted.

*"That the consideration of the amendments made by the Council of State in the Bill be postponed to the next Simla session."

Mr. President: The question is that the following amendment made by the Council of State in Clause 11 be adopted:

"In sub-clause (1) of clause 11, for the words 'The mutual rights and duties', the words 'Subject to the provisions of this Act, the mutual rights and duties' be substituted."

The motion was adopted.

Mr. President: The question is that the following amendment made by the Council of State in Clause 30 be adopted: . . .

"For sub-clause (6) of clause 30 the following sub-clause be substituted, namely:

"(6) Where any person has been admitted as a minor to the benefits of partnership in a firm, the burden of proving the fact that such person had no knowledge of such admission until a particular date after the expiry of six months of his attaining majority shall lie on the person asserting that fact."

The motion was adopted.

Mr. President: The question is that the following amendment made by the Council of State in Clause 69 be adopted:

"For sub-clause (4) of clause 69, the following sub-clause be substituted, namely:

"(4) This section shall not apply—

(a) to firms or to partners in firms which have no place of business in British India, or whose places of business in British India are situated in areas to which, by notification under section 53, this Chapter does not apply, or

(b) to any suit or claim of set-off not exceeding one hundred rupees in value which, in the Presidency towns, is not of a kind specified in section 19 of the Presidency Small Cause Courts Act, 1882, or, outside the Presidency towns, is not of a kind specified in the Second Schedule to the Provincial Small Cause Courts Act, 1887, or to any proceeding in execution or other proceeding incidental to or arising from any such suit or claim."

The motion was adopted.

THE INDIAN MERCHANT SHIPPING (AMENDMENT) BILL.

Sir Frank Noyce (Secretary, Department of Education, Health and Lands): Sir, I move:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes, be referred to a Select Committee consisting of Khan Bahadur Haji Wajihuddin, Kunwar Haji Ismail Ali Khan, Sir Abdur Rahim, Maulvi Sayyid Murtuza Saheb Bahadur, Mr. H. P. Mody, Maulvi Muhammad Shafee Daoodi, Sir Hari Singh Gour, Mr. N. M. Dumasia, Mr. G. Morgan, Mr. A. H. Ghuznavi, Mr. M. Maswood Ahmad, Lieutenant Nawab Muhammad Ibrahim Ali Khan and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I do not think that Honourable Members will desire a long speech from me in support of this motion which, I am happy to think, is an entirely non-controversial one. The Bill like the department from which it emanates may be described as an omnibus Bill. It deals with a variety of subjects, but there is one connecting link between them, and that is the desire to improve the conditions of pilgrims travelling to the Hejaz. I may perhaps be allowed to offer a few brief comments on the three main directions in which it is desired to bring about this improvement. The first is the modification of the existing system by which pilgrims either purchase return tickets or make deposits with Government for the purpose of defraying the cost of the inward passage from Jedda. The existing section 208A. of the Bill already provides that pilgrims must either be in possession of return tickets or must make deposits with Government in order to defray the cost of their passage back from Jedda. This in practice has not proved quite sufficient. It is possible for pilgrims to

[Sir Frank Noyce.]

proceed on pilgrimage on ships other than ordinary pilgrim ships, an experience has shown that many of them do so. It has also shown that the proviso to section 208A under which a pilgrim is also automatically exempted from the obligation to purchase a return ticket or make a deposit if he declares that he does not intend to return to India within three years after the date of declaration is also not sufficient. The declaration system had broken down not so much because pilgrims make a declaration with the deliberate intention of falsifying it, but because they are ignorant of the full facts and conditions of life in the Hejaz, and have in consequence to be repatriated at Government expense within a few months of their departure from India. The number of pilgrims who have had to be repatriated at Government expense has steadily grown during the last five years. It was 188 in 1927, 179 in 1928, 139 in 1929, 387 in 1930 and 313 in 1931. This cost of repatriation during the last two years has amounted to over Rs. 13,000. It is for this reason that we propose to apply the obligation to purchase a return ticket or to make deposits with Government to pilgrims who proceed by other than ordinary pilgrim ships and also to abolish the existing system of declarations. I should perhaps mention that the Haj Inquiry Committee would have liked to abolish the system of return tickets altogether and to insist on deposits in all cases. Government carefully examined this recommendation in consultation with the Standing Haj Committee, but were unable to accept it. They felt that it involved an undesirable interference with the right of pilgrims to purchase return tickets, if they preferred doing so to making deposits with Government. The figures that we have obtained on this point are of interest. In 1930-31, in all, 22 pilgrims, made deposits, whereas 8,091 took return tickets. An even more important consideration which weighed with Government was that if the system of return tickets were to be abolished, the legal liability to provide ships for the return journey of pilgrims would fall on them instead of on the shipping companies. It will be obvious to the House that this might involve Government in considerable difficulties and expense if the shipping companies considered other traffic to be more lucrative than the return traffic from Jedda, and diverted their steamers to it in the middle or towards the close of the pilgrim season. The return ticket system is therefore to be retained side by side with the deposit system, but it is proposed to effect certain improvements in the working of that system. Better arrangements are to be made for refunding to pilgrims or to their nominees or legal representatives the value of unused return coupons. The waiting period at Jedda which is mentioned in section 209A of the main Act will be reduced from 25 to 15 days in the case of return ticket holders who apply for accommodation for the return voyage during the six weeks following on the Haj day. The unclaimed value of unused return coupons of pilgrims is to be recovered by Government from the shipping companies and handed over to the Port Haj Committees for application towards the benefit of pilgrims. These are, I venture to think, marked improvements on the existing system.

The next direction in which it is sought to improve the conditions of pilgrims on the voyages is the obligation which this Bill will place on shipping companies to provide cooked food for the pilgrims. There is no doubt that, at the outset, this alteration in the existing system will not be altogether welcomed by the shipping companies, who may find it difficult to comply with it, and it may not be welcomed by the pilgrims as they may not always be able to get exactly the food they would like. But

the present condition of affairs is undoubtedly unsatisfactory. It is most insanitary to have cooking done all over the ship, and there is also a very considerable danger of fire, I cannot but think that, after a short experience of the new system, the shipping companies and pilgrims alike will wonder why the old one was allowed to continue so long.

The third and perhaps the most important of the three main improvements that the Bill seeks to bring about is the compulsory immunization of pilgrims against cholera and small-pox. This proposal gives effect to a recommendation of the Haj Inquiry Committee which I am glad to inform the House has received the unanimous support of all quarters. It is calculated to safeguard the health of pilgrims, and, what is most important, to minimise the chances of their being required to land at Kamaran the quarantine station in the Red Sea on the outward journey for purposes of disinfection. In this respect we are following the example of the Netherlands East Indies Government, which has adopted this system for a long time past, and also that of the Straits Settlements. It should save the pilgrims a great deal of trouble. If it is adopted there will be no likelihood of their being held up at Kamaran, and this will probably save a day on the voyage. Vaccination against small-pox is I think compulsory already, but that against cholera is only voluntary. It has made rapid strides, but it will be obvious to the House that one un inoculated passenger on a boat involves as great a risk as a very much larger number. Arrangements will be made to immunize pilgrims in their own districts as far as possible, but in the case of pilgrims who are not immunized, inoculation and vaccination will be carried out at the ports of embarkation. These, Sir, are the main provisions of the Bill. There are several others of less importance of which I might perhaps mention the provision in the Bill for medical attendance which will in future be provided free, as an example of the steps Government are taking to improve the conditions of pilgrims. It is unnecessary to explain the various clauses in greater detail. The object of the Bill, as I have said, is to carry out the recommendations of the Haj Inquiry Committee and I am sure it will commend itself to the House.

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): Sir, I am glad that the recommendations of the Haj Inquiry Committee have at last moved the Government of India to bring up before this House a Bill of this nature. I have read the Bill under discussion, but I find there are some provisions which are not in conformity with the recommendations of the Haj Inquiry Committee. I remember that the conclusions at which we arrived were come to after most anxious consideration at that time, and after a great endeavour on our part to bring into line with us the views of our esteemed President of the Committee, Mr. Clayton. I have not yet been able to find out why there is that difference on those questions on which the Haj Inquiry Committee have reported; but as the Bill is going to a Select Committee, we shall have an opportunity to discuss the matter again. Sir, I reserve my right of opposing those measures which are against the Haj Inquiry Committee's recommendations.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I do not feel very happy about certain clauses in this Bill, but as it is going to be discussed in the Select Committee, I hope that Committee will modify them. I draw particular attention to clause 15 which provides that if any pilgrim on board a pilgrim ship

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LEGISLATIVE ASSEMBLY.

[5TH APRIL 1932.]

[Dr. Ziauddin Ahmad.]

cooks any food and lights a fire, he shall be liable to a fine which may extend to fifty rupees. Sir, we know what these pilgrims are; probably some arrangements must be made for their hookahs and various other matters. I think some of the provisions might prove harsh to these pilgrims. There are some other clauses which call for consideration. I hope the Select Committee will look into all these matters, and that when the Bill comes back, all these objectionable things will be removed. I hope that the Government will adopt a sympathetic attitude towards all the real objections brought forward for discussion in the Select Committee. I congratulate the Government for bringing forward this Bill, which ought to have really been brought up about a year ago. This Bill is in keeping with the recommendations of the Haj Inquiry Committee's Report, and I support it.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, at this moment I shall only congratulate the Government on their bringing forward this measure. I do not of course agree with all the provisions in the Bill, but as I am myself a member of the Select Committee, I do not go into them at this moment. Sir, I support this motion.

Maulvi Sayyid Murtuza Saheb Bahadur (South Madras: Muhammadan): Mr. President, I feel bound to congratulate the Member in charge on having made the motion that the Bill should be referred to a Select Committee. In the Bill, Sir, there is one healthy feature which relates to the quarantine at Kamaran, which was causing a great deal of annoyance and hardship to pilgrims, and there was a hue and cry raised against this quarantine. When our Committee went to all the important centres in India and examined all these questions, we gathered from the evidence that the pilgrims were put to many hardships and difficulties in Kamaran. I am glad that our recommendations, so far as the quarantine is concerned, have been approved. But as regards the subject of return tickets, we were informed by the Mover of this motion that the Government could not agree with us. Sir, our Committee consisted of six members presided over by Mr. Clayton, I.C.S. All the seven were unanimous in all the recommendations.

We were holding vehement discussions on important and momentous questions, and we came to unanimous conclusions which found a place in our recommendations. After so long a time, we heard that some of the recommendations of ours, particularly as regards return tickets, have not been accepted by the Government. The difficulty is this, and it was pondered over by all the Members. The evidence, which we are sorry to see not published by the Government for financial difficulty, would have convinced the House that the return ticket system did not find favour with many pilgrims, because many of the pilgrims do not take the same route when they get back to India. Some of them take the land route and some of them do not return at all but settle down either in Mecca or in Medina, and the Shias settle down generally in Karbala or Najaf. So, we were not at all willing to impose any hardship on them. So far as repatriation is concerned, I think the Government could have met that question very easily if they had simply followed the recommendations of the Haj Inquiry Committee. As has

been observed by previous speakers, this is not the final stage of the Bill. When this is referred to the Select Committee, we can go into all these questions, and I hope the Honourable Member in charge, or his Secretary, will give in at least in some of the momentous questions.

The Honourable Khan Bahadur Mian Sir Fazl-i-Husain (Member for Education, Health and Lands): Sir, I am very glad that Honourable Members who have taken part in the debate have been appreciative of the way in which my Department has dealt with the Report of the Haj Inquiry Committee. Before I proceed to deal with a few points that have been raised, may I give a birds-eye view of the history of this legislation and the one included in the two Bills that have been already introduced. The reason for my taking up a few minutes of the time of the House in doing so, is not anything that has been said by Honourable Members on the floor of the House but certain false statements, certain half-truths, certain misrepresentations that have been made in the public Press, attacking not only the supposed inaction of the Government of India but also very seriously reflecting on the efficiency and capacity for work of the Standing Haj Committee, which reflections I, its Chairman, know are altogether undeserved. What are the charges made, the House may ask me, which you seem to be anxious to repudiate? The charges made are something like these: The Government of India and the Department concerned have turned a deaf ear to all the Muslim representations on the subject of the Haj; the Haj Report was made, but the Government of India kept silent for two years and took no steps. But the gentleman who made statements from which the Press commented also professes great interest in the Haj. I will not go into his own history during the last few years, whether in India or outside India, but content myself by showing whether as a matter of fact the Government of India and this House have been or have not been solicitous of the welfare of the Hajis. As early as September 1928, a Resolution was moved in the Legislative Assembly desiring the appointment of a Haj Inquiry Committee. That Resolution was promptly followed by the appointment of a Haj Inquiry Committee in the next session of the Assembly; that is to say, March 1929. A very strong Haj Inquiry Committee was appointed consisting of 8 or 9 Members, most of them from the Assembly, some from the Council of State, and only one from outside. That Committee toured throughout India, and spent one full year; as many as 250 associations and individuals sent in written opinions in answer to their questionnaire, which was very carefully framed. A large number of witnesses were orally examined. They did their duty thoroughly. They submitted a very carefully considered report, embodying as many as 219 recommendations, and most of them, if not all, were unanimous recommendations.

An Honourable Member: All were unanimous recommendations.

The Honourable Mian Sir Fazl-i-Husain: Except for a little bit here and there. The Committee cost the State two lakhs of rupees, to get this work done for the Hajis. They made their Report without any avoidable delay in March 1930. Therefore, to say that the Government of India turns a deaf ear to all representations concerning the Hajis is a bare falsehood. The man who made that statement was himself a witness before this Committee and therefore he could not possibly avoid admitting that Government did something in the matter of helping the Hajis. But he proceeds to say, having appointed that Committee, since then Government have done nothing. That again is untrue because when the Report

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was out in April 1930, Government took several steps, firstly the Report was in English and Government was able to secure the co-operation of a public-spirited Muslim, Maulvi Firoz-ud-Din of Lahore, who translated the whole Report into Urdu at his own expense and published it.

Again Government proceeded to deal with these recommendations straightaway. But the critics outside and some of the Members of this House appear to think that because this legislation has been produced after two years of the making of the Report, therefore it is a long time taken by Government. It should be remembered that in the first place not only had these recommendations to be considered by the department, but Local Governments had also to be consulted, in particular the Government of Bengal and the Government of Bombay. That was not all. We had also to consult certain authorities outside India, in particular in Jeddah. We had to consult the Foreign and Political Department; we had to consult the Commerce Department; and Honourable Members know that when so many interests and so many departments are involved, it is not easy to make rapid progress. However I may mention that soon after the Report was published, my Department took up dealing with it, and a large number of meetings of the Standing Haj Committee were held. The first one was held as early as 5th July, 1930, and during 1931 four meetings were held, one in February, one in March, one in September and one in November; and all these meetings were very well attended. It was in these meetings that Government were able to deal with all the recommendations made by the Haj Inquiry Committee. When Government were able to accept any recommendations straightaway, intimation of that acceptance was given to the Standing Committee. Those we felt doubtful about were discussed in the Standing Haj Committee, and where the Committee was unanimous, there, so far as I recollect, Government invariably accepted their recommendation. It was only in very few cases where the Haj Committee was divided, that in one or two cases Government might have failed to accept the recommendation of the majority. In every case where Government was not able to accept, it was on the advice of the Standing Committee. Therefore it is for the Honourable Members to judge how far this representation that Government have turned a deaf ear is true, if it is not an actual falsehood.

Then it may be urged, how can the public know what you are doing. The Standing Haj Committee meeting is not like a public meeting of which everybody comes to know. That is perfectly true, and Government were not content with dealing with these matters in the Standing Haj Committee, but a large number of communiqués were issued from time to time. The first one was issued as early as February 1931, wherein a reduction of fares for the Haj was announced. This gentleman who professes so much interest in the Hajis has failed to realise that it was the Standing Haj Committee which met the shipowners and persuaded them to reduce the fares, and that reduction was communicated to the public through a communiqué dated the 9th February, 1931. Another communiqué was issued on the 27th October, 1931, telling what action had been taken on the recommendations of the Haj Inquiry Committee's Report up till that day, and that Government was proceeding with the rest of the recommendations. Again, on the 23rd November, 1931 another communiqué was issued, another on the 16th December, 1931, and still another on the 21st January, 1932. For any one to say that Government were taking no interest in these things is nothing short of an absolute

untruth. It has been asked, what has been the fate of these 219 recommendations made by the Committee. Sir, so far as I recollect, nearly 130 have been accepted as they stood, another 30 or 40 with very slight modifications on the recommendation of the Standing Haj Committee, 19 have been rejected, at least 17 or 18 of them with the concurrence of the Standing Haj Committee, and on another 40 or so suitable action has been taken because they were not recommendations that could be either accepted or rejected, but only called for certain steps to be taken. Last of all, but not the least important of all, three Bills have been prepared and have already been introduced. One of them is being sent to the Select Committee, the other two will follow. It is much to be regretted that people come to Members and Secretaries of Government, see them, place their points of view before them; they are told actually what is being done; and knowing all that, they go out and publish statements to the effect that the Government of India turn a deaf ear to everything. I trust not only that this attack on the efficiency of the Committees of this House will be considered unfavourably by this House, but that a practice of this sort is one to be discouraged in the interest both of this House as well as of the Government.

Now, Sir, with reference to the two or three points mentioned by the Honourable Members, I assure them that Government are ready to consider any suggestion they wish to make in the Select Committee. The question of return tickets or deposits was one on which, in the Standing Committee itself, there was a great divergence of opinion. All the arguments that apply to deposits equally apply to return tickets. There was the question of people going to Najaf and settling down in Hejaz, and returning overland. We were assured that as in the case of deposits, so in the case of return tickets, the money for the return passage will be refundable to the person who comes and says after a particular time that he is going to settle down in the Hejaz, or that he is not going back at all and so on. In other words there was no difference between the two except from the shipping point of view. The shippers said they would not have their right to sell return tickets curtailed, and we had to decide whether we could force this down their throats or not. I daresay there may be a way of doing that, but short of Government shouldering the responsibility of running the traffic itself, we felt we could not do anything else. That is why that particular recommendation, to which reference was made and on which, as I said, there was a difference of opinion, Government could not but embody in the Bill the view it has taken. All other points are such that it will be found on further study of these that there is practically no difference of opinion.

My friend Dr. Ziauddin showed some solicitude for the hookah smoker. If he reads the Report of the Haj Inquiry Committee, he will find that the maulanas who have served on that Committee were not unmindful of the inconvenience they might cause, but felt that approach to Western standards by the hookah smoker will not be altogether to the detriment of the best interest of the Hajis.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I beg to move that the name of Bhai Parma Nand may be added to the Select Committee.

The Honourable Mian Sir Fazl-i-Husain: I understood that the Leader of the Nationalist Party wishes to add the name of Bhai Parma Nand. The Mover of the Resolution has consulted me and he says he has no objection to Bhai Parma Nand's name being added as well as that of another aspirant to serve on the Select Committee, Haji Chaudhury Muhammad Ismail Khan of Bengal.

Mr. President: The question is:

"That the Bill further to amend the Indian Merchant Shipping Act, 1923, for certain purposes be referred to a Select Committee consisting of Khan Bahadur Haji Wajihuddin, Kunwar Haji Ismail Ali Khan, Sir Abdur Rahim, Maulvi Sayid Murtuza Saheb Bahadur, Mr. H. P. Mody, Maulvi Muhammad Shafee Daoodi, Sir Hari Singh Gour, Mr. N. M. Dumasia, Mr. G. Morgan, Mr. A. H. Ghuznavi, Mr. M. Maswood Ahmad, Lieutenant Nawab Muhammad Ibrahim Ali Khan, Haji Chaudhury Muhammad Ismail Khan, Bhai Parma Nand 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 TEA DISTRICTS EMIGRANT LABOUR BILL.

The Honourable Sir Joseph Bhore (Member for Industries and Labour): Sir, I beg to move:

"That the Bill, to amend the law relating to emigrant labourers in the tea districts of Assam, be referred to a Select Committee consisting of Sir Cowasji Jehangir, Mr. K. Ahmed, Mr. C. C. Biswas, Mr. Abdul Matin Chaudhury, Mr. A. G. Clow, Mr. Tin Tüt, Mr. H. B. Fox, Mr. N. M. Joshi, Mr. B. N. Misra, Mr. H. P. Mody, Mr. G. Morgan, Mr. I. R. Phookun, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Mr. Muhammad Yamin Khan, Sir Frank Noyce, Mr. S. G. Jog and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Sir, I now ask the House to accept the principles of this Bill by sending it to a Select Committee. The first principle is the acceptance, as an ideal policy, of the removal of restrictions on and impediments to the free movement of labour. I do not think that anybody in this House will object to that policy which has the endorsement of two Royal Commissions. But it may be that that policy may not be susceptible of complete acceptance here and now without some temporary modification or qualification, and we have therefore provided in the Bill for power to exercise control over the forwarding or the recruitment of labour to Assam or over both, should this become necessary in the interests of the emigrants. Our position is that we would like to see all restraints removed, but realising how easy it is for abuse to creep in, we have provided power to impose control should this be necessary.

The next principle of importance is to secure to the emigrant to Assam the right of repatriation. That is a matter of great importance. It is perfectly true that this will lay a statutory burden upon the employer. But I venture to think that his gain will also be substantial. His labour, feeling that their return to their homes is definitely secured, will be more contented and for that reason more efficient. We are providing for a definite right to repatriation at the end of three years, and we are also providing for the exercise of that right before the expiry of that period in certain definite eventualities.

These, as far as I can see, are the main principles of the Bill. The other provisions of the Bill deal with procedure machinery and other necessary details.

I think I ought to say a few words in regard to my motion for reference to a Select Committee. It has been actuated by a desire to get on as rapidly as possible with labour legislation, subject of course to the necessity for ensuring publicity in regard to our proposals. I ought to explain to the House that the revision of existing labour legislation in regard to Assam has been the subject of discussion with Local Governments so far as it concerns the removal of restrictions and control ever since the year 1926. As a matter of fact in 1928 we actually framed a Bill on this matter and we referred that Bill to Local Governments. But, as the Labour Commission had then been appointed, we considered that it would be advisable to leave the whole question for the consideration and examination of the Labour Commission. The Commission examined this question with great care, recorded much evidence relating to this subject, and I may say that this Bill with certain slight deviations embodies the unanimous recommendations of the Labour Commission.

It only remains for me to say that so far as we are concerned, if the House accepts this motion, we propose that the Select Committee should meet slightly before the next Simla Session begins. In the meantime, we shall be glad by executive order to circulate this Bill for eliciting opinions thereon, so that such criticisms as may be available will be before the Select Committee before it starts upon its labours. In that way, we hope that much time will be spared and that we shall be able to get through this legislation as early as possible and thus leave the stocks free for other legislative measures. Sir, I move.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, I heartily accept the main principles embodied in this Bill, and while doing so I wish to make one or two observations. As far as emigration, repatriation and other kindred things are concerned, this Bill is fairly perfect, but there are one or two very important matters which, according to my view, have been completely neglected. In the first place, the Royal Commission on Labour in Chapter XXI of their Report have suggested a statutory machinery for fixing wages. In subsequent Chapters, they make a special recommendation for a Board of Health and Welfare, maternity benefits and other things. Regular and prompt payment of wages has also to be naturally provided for. All those things have been completely left out in this Bill. Perhaps the Honourable the Mover is taking refuge in the belief that they are matters for Local Governments to deal with, but, Sir, we know how the machinery of Local Governments moves in this country. Unless the Government of India bring pressure to bear upon the Local Governments, legislation on these matters are not at all likely to be undertaken. I therefore request the Government that they should consider earnestly whether it will be possible to include these provisions also in some form or other in this Bill; otherwise, they must press upon the Local Governments the imperative necessity of taking up immediately the necessary legislation on those lines, unless that is done we will be tackling only the fringe of the problem. With these few words, I support the motion to refer the Bill to a Select Committee.

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, this is a very important measure. It will affect the future happiness and well-being of thousands of workers in Assam tea plantations. It is therefore

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very necessary that the House should realise the true implications of this Bill, that it should have an idea of the dangers and pitfalls to which it exposes emigrants to Assam tea gardens, and that the House should examine very carefully the sufficiency of the measures that are proposed to be taken to safeguard the interests of labour. This Bill is primarily intended to facilitate the flow of labour to Assam tea gardens. It is intended to remove the restrictions that hamper the flow of labour to Assam plantations and to solve the problem of scarcity of labour which the tea gardens are supposed to be suffering from. Now, in a poor country like ours, where unemployment is chronic, it is pertinent to inquire why is it that labourers from distant parts of India do not flock to Assam gardens when there is a great demand for labour there. Why is it that some of the Local Governments find it necessary to prohibit recruitment for Assam tea gardens in their own jurisdiction, and why is it that the tea planters find it necessary to spend as much as Rs. 150 per recruit to get labourers from outside? On no other industry, Sir, in Assam is it necessary to spend money on recruiting organization. The Assam Oil Company at Digboi is able to attract recruits without any recruiting organization; the B. O. C. oil wells in Sylhet and Cachar are worked with local men. Assam sends labourers even to other parts of India. There are about 4,000 labourers from my own district, Sylhet, in Jamshedpur. In Calcutta, Howrah and Kidderpore there are about 10,000 unemployed men from Sylhet waiting for opportunities of employment in sea-going vessels. Why don't all these men go to the tea gardens of Assam and seek employment there? There are about six lakhs of men, ex-tea garden labourers in Assam; why don't they go to tea gardens? The only conclusion to be drawn from all this is that the conditions of life and work and also wages in tea gardens are not such as to tempt anybody to go there and seek service there. In the year 1927 the British Trade Union Congress sent a delegation to India to study the labour conditions here. The delegation consisted of Messrs. Purcell, a Member of Parliament, and Mr. Hallsworth, a prominent Trade Unionist. They made inquiries into the conditions of labourers in Assam tea gardens, and as to what these observers say I shall read out a few lines from their Report:

"The story of the poor labourers in the tea gardens in Assam is about as sordid as one as could possibly be related. The official statement on wages, it will be noticed includes many things, and even then makes a most miserable show in putting down the amount of wages for a month's labour. If the highest figure is taken, including all the items named, the combined labour of husband, wife and child brings this human trinity only one shilling and three pence per day!

We refrain from narrating the many other facts which were garnered, except the significant one that we witnessed a group of men, women and children working away together, while about five yards away was a planter's young assistant proudly hugging a whip. This we regarded as good proof of the "contentment" prevailing among the tea garden population.

Our view is that, despite all that has been written, the tea gardens of Assam are virtually slave plantations, and that in Assam tea the sweat, hunger and despair of a million Indians enter year by year."

This is how these trained observers describe the conditions of labourers in Assam tea gardens, and I am not aware if conditions have improved to any considerable extent since they submitted this Report. If we are going to encourage emigrants to go to the tea gardens where conditions are such as have been described by Messrs. Purcell and Hallsworth, it is not merely

enough if you make provision for safeguarding the interest of the labourers from the time they leave their homes till they arrive at the garden and repatriate them after three years if they want to, but what is by far the most important is that they must be assured of a reasonable standard of life and work during the years of their stay in the gardens. This is what this Bill fails to assure. No doubt the Royal Commission recommended the withdrawal of the powers of the Local Government to prohibit recruitment to Assam, but they recommended many things more; they recommended that comprehensive measures should be taken with regard to conditions of work, wages; welfare of the labourers in the tea gardens, and I maintain that all these recommendations should be taken together as one connected whole and not piecemeal, as has been done in the present case. To enforce only those portions of the recommendations which facilitate recruitment to tea gardens, and to ignore most of the recommendations which go to ameliorate the conditions of the labourers is most unfair. Sir, in the case of emigrants to Ceylon and Malaya, the Government of India insisted on certain regulations being laid down regarding their wages, housing conditions, sanitary and medical facilities and so forth before they agreed to send out recruits. There is no reason why the Government of India should not equally insist on laying down certain regulations on similar lines in respect of emigrants to the Assam tea gardens. The Labour Commission have themselves pointed out that the position in Assam of an emigrant from Chota Nagpur is not different from that of a Telugu emigrant to Ceylon. They even go further and maintain that the contact between the recruiting district and the district of employment is closer in the case of Ceylon than in the case of Assam. Therefore, Sir, the need for assuring a reasonable standard of life to these emigrants when they are removed far away from their own native place is all the greater in the case of Assam immigrants than in the case of emigrants to Ceylon and Malaya.

I shall tell the House what are the conditions that I consider essential and should be incorporated in this Bill before the Government can encourage emigration to Assam tea gardens. The first essential condition, I think, is that the emigrants in tea gardens and the general public should have opportunities of coming into closer contact with each other than is at present the case, and that the general public should be given the right of access to the tea gardens. When Messrs. Purcell and Hallsworth described the tea gardens as slave plantations, I am prepared to admit that they were little rhetorical, but they were not very wide off the mark. In tea gardens the labourers live in lines to which the public has no right of access. The public have as little right to go to these gardens without the Managers' permission as they have the right to go to a detention camp for detenus without superintendents' permission. The garden Manager rules there as the monarch of all he surveys. There are about 900 tea gardens in Assam, but there is not one single labour organisation to protect the interests of the labourers. The labourers themselves are illiterate and the public are shut out from the gardens. All over India the trade union movement is progressing, but in Assam plantations it is non-existent. It is impossible to start a labour union as the public have no right of access to the gardens. The trade union being non-existent, the labourers remain ignorant even of the beneficial measures that the Government pass for their protection. And being ignorant of their rights, they cannot assert or claim them and are thus absolutely at the mercy of the planters. The Commission recommended that steps should be taken

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to secure closer contact between the tea garden labourer and the public outside. In the opinion of the Commission, it was objectionable in principle that a large stretch of land where so many thousands of emigrants live should be closed to any one who is interested in doing welfare work there. In the Assam Legislative Council they passed a resolution asking the Government to give the public a right of access to the gardens. Before the Government help the tea gardens to secure recruits they should make sure that the tea garden has ceased to be an isolation camp and that the public have a right of access there.

Next as regards wages. If the labourer is assured of a reasonable wage, no further impetus to induce the labourer to go to the tea gardens will be required. But with regard to wages the planters there are moving in a vicious circle. They keep their wages low and therefore they are confronted with a scarcity of labour. Because they are confronted with a scarcity of labour, they spend huge sums of money to secure recruits from outside, and because they spend large sums of money on securing recruits from outside, they are forced to keep down their wage bill. In the year 1929, this industry spent over a crore of rupees in securing recruits. Had they spent that money on the wages of the labourers, the wages could have been increased by 25 per cent. In a very valuable memorandum that Mr. F. C. King, I. C. S., Chairman of the Assam Labour Board, submitted to the Government of India, he clearly explained the interdependence between wages and recruitment, and I should like to read to you a portion from that memorandum:

"I believe that not only does the payment of higher recruiting commissions not tend to establish a voluntary flow of labour to an industry but it actually militates against it. Till wages find their true level, there will not be a free flow of labour to the tea industry. Once this level is reached, the scarcity of labour should automatically disappear and with it would go the competition amongst employers to secure labour and the necessity of paying recruiting commissions. In the meantime, employers should realise that the recruiting commission system cannot solve the problem of labour scarcity, that it does not save them anything, and that it deprives their labourers of benefits they would secure under the free play of the law of supply and demand. Temporary difficulties may present themselves in cutting adrift from a system which has been in vogue for so many years, but if the industry is solidly combined these difficulties should easily be overcome."

To solve this problem the Labour Commission recommended the establishment of a statutory wage fixing machinery to which my Honourable friend Mr. Thampan has referred, and I consider that the establishment of such a machinery should have preceded introduction of legislation in this House.

As regards welfare conditions, the Commission made many detailed recommendations with regard to that; I am not going to discuss them at present. But there is one recommendation which I want to emphasise and which I think should have been enforced before the passing of this legislation,—the recommendation to which my Honourable friend Mr. Thampan has also referred, namely, the establishment of a statutory Board of Health and Welfare. The functions of these boards will be to lay down regulations with regard to conservancy, drainage, sanitation and other welfare activities. I should like to remind the House that at the instance of the Government of India the Federated States of Malaya incorporated in their "Labour Code" similar provisions in the interests of

Indian emigrants. I shall illustrate my point by reading a few sections from the Labour Code of Malaya. Under section 75:

"Every female labourer shall be entitled to abstain from work during terms of one month each before and after confinement and, in respect of such terms, hereinafter jointly referred to as 'benefit period' to receive from her employer maternity allowance to be calculated as provided in sub-section (ii) hereunder."

Section 76 runs as follows:

"The Controller may at any time by order in writing require any employer on a place of employment where ten or more children of any one race between the ages of seven and fourteen years, being dependants of labourers on such place of employment, reside, to construct within a reasonable time to be stated in such order and thereafter to maintain at his own expense a school for such children with such school teacher or school teachers as shall seem sufficient to the Controller, but not in excess of a reasonable number."

Section 169 has the following:

"The supply of water available for each labourer for drinking, cooking or bathing purposes shall not be less than such number of gallons a day as the Controller shall by order either generally or for any particular estate direct."

Section 176 says:

"The Controller may at any time by order in writing require any employer to construct within a reasonable time to be stated in such order and thereafter to maintain at his own expense a hospital on or in the immediate neighbourhood of any estate upon which labourers are employed by him with accommodation for such number of patients as may be stated in such order, or if there is already a hospital maintained by such employer to enlarge or add to such hospital, so as to provide accommodation for a further number of patients as stated in the order; and may further require him to employ a registered medical practitioner as defined by 'The Medical Registration Enactment, 1907', to reside at and have charge of such hospital or any hospital maintained by such employer, and to provide such medical practitioner with fit and proper house accommodation to the satisfaction of the Health Officer."

In Ceylon also the interests of Indian emigrants are similarly protected. Section 32 of the Education Ordinance No. 1 of 1920, provides:

"It shall be the duty of the superintendent of every estate to provide for the vernacular education of the children of the labourers employed on the estate between the ages of six and ten, to appoint competent teachers, and to set apart and keep in repair a suitable school room."

In the Medical Wants Ordinance, No. 9 of 1912, section 12 says:

"It shall be the duty of every superintendent—

- (a) to maintain the lines of his estate and their vicinity in a fair and sanitary condition;
- (b) to inform himself of all cases of sickness on his estate, and to take such steps as he may deem best for the immediate relief of the sick;
- (c) to send any labourer to hospital when so required by a medical officer;
- (d) to send for the district medical officer in any case of serious illness or accident;
- (e) to inform the district medical officer within forty-eight hours of every birth and death upon the estate;
- (f) to supply at the cost of the estate every female labourer resident upon the estate, and giving birth thereon to a child, with sufficient food and lodging for one month after the birth of such child, and to take care that the female labourer be not required to work on the estate for one month, unless the district medical officer shall report sooner that she is fit to work;
- (g) to see that all children under the age of one year resident upon the estate receive proper care and nourishment and to comply with all directions given by a medical officer under section 7(c)."

All this that I have read is merely illustrative. I want that in this Bill identical provisions should be inserted to safeguard the interests of

[Mr. Abdul Matin Chaudhury.]

the emigrants to Assam. This Bill, I maintain, is an incomplete Bill. It safeguards the interests of the labourers to a very partial extent and if the Government are really desirous of serving the interests of the labourers, they should amend the Bill in such a way as to include all the provisions about the welfare of the labourers. I do not want to enter into a detailed discussion of the provisions of the Bill, as in the Select Committee I shall have ample opportunity of doing so, but there are two or three points to which I want to direct attention. There is the question of repatriation. I consider that the conditions, under which labourers are to be repatriated before the expiry of three years, require widening. The circumstances that are enumerated in the Bill do not exhaust all the contingencies that may arise, and therefore to provide for unforeseen contingencies, the Commission recommended that "for other sufficient reasons" the labourers may be repatriated earlier, but those words "other sufficient reasons" have been dropped out in the Bill. I do not see why Government should depart from the recommendation of the Commission on this important matter. Then as regards the power of the Controlling Officer, the Commission suggested the appointment of an officer armed with power for the protection of the interests of the labourers, but this Bill gives him power only to inspect gardens and to inspect the records. What is this good for if he cannot enforce his decision which he considers to be in the interest of the labourers? This is what the Commission intended:

"What is wanted is an effective authority working mainly in Assam and definitely charged with responsibility for the emigrant during his journey and after his arrival and entrusted with adequate powers to protect his interests."

The powers that have been given in this Bill to the Controller are neither effective nor adequate. I think, Sir, that the Controller should be vested with powers similar to those vested in the Controller of Emigrants in Malaya and Ceylon. There is one thing more that I want to mention, and then I have finished. I consider that the Controller and the Deputy Controller must be Indians. I mean no reflection on European officers, but the very nature of the duties in which they will be engaged requires that these officers should inspire confidence in the labourers who are ignorant and illiterate. They will be suspicious of Europeans, however well intentioned they may be, and I hope that, when making the appointments, this aspect of the question will be borne in mind.

Mr. H. B. Fox (Assam: European): From some of the remarks of the last speaker, I think Honourable Members who know little of Assam and of the tea industry might perhaps fall into the error of thinking that the chief object of this Bill is to confer benefits on a favoured industry. Such, Sir, is far from being the case. There is very little sugar for the tea planters, either British or Indian, in this Bill, though the tea industry is every bit as worthy of the sympathy and the help of Honourable Members of this House as that of any other industry in India. In the dim distant past, labourers in Assam were under penal contracts, and naturally the recruitment and employment of such labour was regulated by statute. In those bygone days Assam was remote, inaccessible and unhealthy, labour was difficult to get and without the indenture system it would have been difficult to keep, the more so as the Government of Assam had vast tracts of virgin land lying undeveloped to which they did their best to attract settlers. Honourable Members will be interested to hear that there are

600,000 ex-tea garden coolies settled on 500 square miles of land which they hold direct from the Government of Assam, and these settlers were all imported at the expense of the tea industry. That, Sir, might probably be one of the reasons why we did not achieve a flow backwards and forwards between Assam and the recruiting districts. Once labourers get to Assam and go on to Government land, they are lost to the tea industry. The difficulty of obtaining labour in those days was responsible for the creation of a class of professional recruiters who reaped rich harvests at the expense both of the tea industry and the emigrant. The situation inevitably gave rise to all sorts of recruiting malpractices and as a result Assam acquired a bad name, first as a remote and unknown place, a foreign land like Fiji or Malaya. My Honourable friend Mr. Abdul Matin Chaudhury still wants to treat Assam as a foreign country like Malaya. Secondly it acquired a reputation as a labour market, which had no scruples, either legal or humanitarian in the matter of recruiting; but those days are past and gone and it is only the lingering memory of these stigmas that is the cause of the Bill which is before the House today. I maintain, and I have the support of the Royal Commission in maintaining that apart from the vague fears of the recrudescence of the old recruiting abuses, there is no justification whatever for the perpetuation of a system whereby one single industry in one province is legally hampered in the engagement of its labour force, one single industry in the whole of India and when I inform this House that the indenture system was abolished in 1915, that every other form of penal contract has been wiped off the Statute-book, it will be obvious that the conditions in which the old recruiting malefactor enjoyed both prosperity and immunity have passed away, for it is the mobility of labour which renders the professional recruiter powerless for mischief. This Bill, Sir, grants to the emigrants statutory rights of repatriation. The tea industry has no objection whatever to this, for in this matter the Bill merely crystallises into a definite system what has for years been a constantly growing practice. By these rights the interests of the emigrant in the matter of their emigration are so fully safeguarded that there remains no justification whatever for the imposition of restrictions on recruiting. What, Sir, have the Royal Commission stated? On page 63 they have stated:

"We recommend that the powers to prohibit recruitment should be withdrawn immediately, and that in future no barriers should be set up to prevent the normal play of social and economic forces in attracting labour from one part of India to another."

That Commission has definitely stated that they are satisfied that emigration to Assam to work on the tea plantations deserves encouragement in the interests of the labourer, and on page 368 the Commission states:

"We are in entire accord with the view that the danger of serious abuses afford the only justification for the continuance of control."

The Statement of Objects and Reasons attached to the Bill informs us that the first object of the Bill is, while making it possible to exercise such control as may be justified and required by the interests of the emigrant, to ensure that no restrictions are imposed which are not so justified. The industry, Sir, has no fear of these threatened restrictions, so long as the criterion of their introduction is the interests of the emigrant and not the interests of rival employers. (Hear, hear.) Let the Bill adequately ensure that, as it is intended by the Government of India to do, and all the apprehensions on the part of the industry on chapter IV will be allayed. As a matter of fact, I maintain that an unanswerable case could be made out for the total omission of chapter IV from the Bill, inasmuch as the

[Mr. H. B. Fox.]

interests of emigrants are impregably protected against any recrudescence of grave abuses. It was clearly contemplated by the Royal Commission on Labour that there should be a marked difference between the introduction of control over forwarding and the imposition of restrictions on recruiting. The former was to be the normal state of affairs; and unless and until it is considered desirable to do without such control, the restriction on recruiting was in no case to be normal or automatic or precautionary; it was only to be resorted to if a situation developed that made such restrictions unavoidable. We find in the Bill, however, that the manner of introducing a regime of forwarding control and a regime of restricted recruiting is precisely the same in each case, with no safeguard whatever that there should be cause shown before the latter step is taken. I claim, Sir, that it is not only reasonable but essential to introduce into this Bill some specification of the grounds that alone can justify a notification under section 26(1) and to prescribe as essential the previous sanction of the Governor General in Council to any such notification. If such safeguards are not given, the interests of the emigrants themselves may be gravely prejudiced and the tea industry will have no alternative but to regard this Bill as a threat of an indefinite perpetuation of a system of unjust and unmerited restriction for which there is no parallel in India. (Hear, hear.)

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, the Honourable gentleman who preceded me concluded with the remark that in certain contingencies this Bill would be characterized as a "threat" to the tea planters. When such apprehensions are expressed in certain circumstances from the European Benches, it becomes more and more clear to Benches on this side of the House that we were pretty right in making this a party question and seeing that it was referred to a Select Committee. Sir, without much hesitation we decided to extend our support to the Honourable Sir Joseph Bhore for the simple reason that he is only trying to give effect to the recommendations of the Labour Commission. It is hardly necessary for me to make a lengthy speech on the matter, but the consideration in this particular affair should be entirely that of the labouring classes,—not so much that of the employers as that of the employed—and, Sir, I suppose, and I hope that that important consideration will be prevailing when the subject is considered in Select Committee. Sir, at the same time I agree with the Honourable gentleman who preceded me in saying that everything should be done to make matters attractive to labour in one part of India by introducing circumstances and offering facilities to enable them to move to another part of India. Sir, the statutory right to repatriation, as pointed out by the preceding speaker, has already been in practice. Therefore, Sir, my Honourable friend has got no serious objections to putting it on the Statute-book. His apprehensions were only in regard to the restrictions in chapter IV, and these restrictions are a matter for examination in the Select Committee and therefore I take it he does not object to the reference to a Select Committee. I hope in this matter every attempt will be made in Select Committee to reconcile antagonisms with a view to making the Bill satisfactory for its easy passage, when it emerges from the Select Committee and comes before this House.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I agree with my Honourable friend Mr. Abdul Matin Chaudhury, that the present Bill is an incomplete one, as giving effect to the recommendations of the Royal

Commission on Labour. I also agree with him that there is some risk in passing a measure of this kind implementing the recommendations of the Royal Commission sectionally, inasmuch as we may pass this Bill here to-day and we may not be able to persuade the Assam Government to pass legislation on the other recommendations within a short time after these recommendations are given effect to. But Mr. President, I feel that although there is some risk in this procedure, considering the constitutional position and considering all other circumstances, it is better to take this risk instead of waiting for the time when there will be simultaneous legislation on all the recommendations of the Royal Commission on Indian labour. Sir, this question of the labour conditions of plantations has a long history, and all that history is not a very pleasant one. I do not understand the complaint of my Honourable friend, Mr. Fox, that this is the one industry which has hampering restrictions placed on it. He forgets that if this is the one industry which has hampering restrictions placed on it, these hampering restrictions had a justification. The original restrictions were not really in the interests of the labour, but were in the interests of the employers themselves. The history is that the planters found it difficult to get labour. They spent a large amount of money in securing labour and then approached the Government and asked that the labourer should not be allowed to go back to his district from his work and thus restrictions were first placed upon the liberty of the labourer himself. Therefore, I feel he was not justified in complaining that his industry is the only industry on which hampering restrictions have been placed. Hampering restrictions to recruitment have been now placed simply because the industrialists wanted to put hampering restrictions upon the liberty of the labourer himself. Restrictions were first placed upon the labourer and then restrictions were placed upon the employers in the matter of recruitment and other things. When labourers were not allowed to go back, naturally Assam got a bad name and they found it difficult to secure recruits. In spite of the difficulties, they went on recklessly recruiting through their contractors, with the result that certain evils crept in, and then, in order to diminish these evils, the Government of India legislated by putting certain restrictions upon recruitment. He cannot certainly complain about these restrictions placed upon recruitment, for one thing because these restrictions were necessary on account of the restrictions placed upon the labourer himself.

I am not one of those people who consider that plantations are an evil altogether. The plantations have provided employment and provided an industry. At the same time, it cannot be forgotten and cannot be denied that the conditions of plantations are not what they should be. The Honourable Member from Assam said that on account of the plantations 500,000 people have been settled on land, independent of the plantations. It is a fact but should he not also consider the fact that, even after 50 years' time, the industry should not have been able to settle sufficient people on the land in Assam in order that they should get labourers locally. An industry that has to recruit labour from a long distance, even after 50 years, need not boast of the advantages which that industry supplies to labour. The very fact that they have still to recruit labour from long distances after 50 years shows that the conditions there are not what they should be. Moreover, as my Honourable friend, Mr. Abdul Matin Chaudhury, pointed out, if other industries in Assam get their labourers without special recruitment, why should not the tea plantations

[Mr. N. M. Joshi.]

get their labour locally. I do not suggest that the position of the tea industry and of other small industries is the same. There is an essential difference between the small industries that exist in Assam and the tea industry. It is quite possible that other industries mentioned by Mr. Abdul Matin Chaudhury perhaps get part of their labour from the tea plantations themselves, but they get their labour from the tea plantations because they pay much more than the tea planters do. In the other industries, the wages generally are about one rupee a day, whereas on plantations the average wage per month is about Rs. 10 to Rs. 15. That is the great difference between wages paid in tea plantations and the wages paid in the other industries in Assam.

I am one of those people who feel that the principle of the recommendations of the Royal Commission as well as the principle of this Bill is very sound. The Honourable the Mover of this Bill stated that the first principle was that restrictions on recruitment should be removed. I feel, however, that the first principle of the Bill is that the labourer should be free to go anywhere he likes in search of employment. This is a very sound principle. In India in agriculture, the wages are very low and on account of the low wages, the standard of living of the people is low. If this standard of living is to be raised by the raising of wages, the labourers must be free to go wherever they can get better wages. Moreover I agree with my Honourable friend Mr. Fox that the labour must be mobile. People must be able to go wherever they can so that the wages will tend to rise where they are low and on the whole the wages in the whole country will tend to equalise. Then there are other parts of the country in India where in agriculture the labourers are bond-slaves even now. In Madras, there is a system which is called *kambari* or *vetthi* where the labourer is a serf or a bond-slave to the *sahukar* and the landlord. In Bihar, there is a system called the *kamiauti* system by which the labourer, on account of the advances made to him, is held in bondage by the *sahukar* or the landlord. So long as these conditions exist in some parts of the country in agriculture, we must see that the labourer has some way to escape from these conditions. Moreover I feel myself that travelling is a good thing even for labour. We all know that travelling broadens our point of view, it sharpens our intellect to some extent. On the whole travelling does tend to equip men better for the struggle in life. I therefore feel that the labourer should be left free to go wherever he likes. I agree that in our country the working classes to-day, on account of the ignorance, and on account of their poverty, must be protected. There is nobody here who will deny the fact that although the labourer must be free to go wherever he likes, it is the duty of Government to protect him wherever he goes either by legislation or by other methods. The principle that labour deserves special protection is accepted all over the world. Therefore the second principle of the Bill is that labourer should be protected after being given freedom to go wherever he likes. He should be protected on the way to Assam, and be protected in Assam itself where he is working. This is the second principle of the Bill. This is also in accordance with the recommendations of the Royal Commission on Labour. The Bill provides certain measures for the protection of the labourer during the stages of his journey from recruiting districts to Assam. The Bill provides for registration and establishment of depots where the labourer should be provided with food, rest and shelter. It also provides for depots on the

way and inspection of these depots. These measures are what they should be.

The Commission has made certain recommendations for the protection of the labourer on the plantations. First the Commission recommends that the labourer's liberties should be secured and the labourer should have every facility to return home. Now, as regards facility to return home, the Bill provides for the right of repatriation. I agree with my Honourable friend Mr. Abdul Matin Chaudhury that the right of repatriation provided for in the Bill is somewhat meagre and it should be extended. I myself hold that it is in the interests of the plantations themselves that they should provide a very generous right of repatriation to the labourer, so that he may feel that he is really free and if the conditions are not to his satisfaction he can return home. If once a confidence is produced in the recruiting districts that it is the easiest thing for the labourer who is dissatisfied on plantations to return home, you will make your task of recruitment very easy. I would therefore suggest to the planters to give

I.P.M. a sort of return ticket to every labourer in Assam so that whenever he thinks of returning home he may do so. I am sure every labourer will not think of returning home simply because he has a return ticket, because when he returns home he may not have sufficient to eat. If the conditions in Assam are quite good, although a return ticket may be in his pocket, the labourer is not going to return home. But the point is that if the labourer feels that he has every facility to return home, there will be a confidence in the recruiting district that after all the conditions in Assam may not be so dark, and even if there is some doubt, the labourer will take some risk and go to Assam to see what the conditions are. If the conditions are not good, he will return. I therefore feel that this right of repatriation should be made as generous as it can be made. I agree with my Honourable friend Mr. Abdul Matin Chaudhury that the Bill should provide for general power being given to the Controller to repatriate a labourer for any sufficient reason. The planters I am sure will have sufficient confidence in an officer appointed by the Government of India that even though the power given to him may be very wide, he is not likely to misuse that power.

Then I feel that certain provisions of the Bill provide for right of repatriation in one year. I would suggest to the planters that they should themselves agree that this right also may be extended not to a period of one year but whenever a labourer wants to go back. Then, Sir, there is a small point which I should like to mention, and that is that a labourer gets a right of repatriation if the employer is convicted of assault. I myself feel that it should not be necessary for a labourer to go to the court and get his employer convicted of assault. The power, so far as the right of repatriation goes in the matter of assault, should be left to the Controller himself. A labourer should have the right to make a complaint to the Controller if his employer has committed an assault; and if the Controller is satisfied that the employer has done it, he should have the power to repatriate the labourer.

Then, Sir, the second proposal I would make for improving conditions in Assam is that the liberty of the labourer on the plantation should be further secured. The Royal Commission on Labour agrees that in spite of the disappearance of the legislation providing for criminal punishment

[Mr. N. M. Joshi.]

for breach of contract of service, the labourer is not entirely free. I shall just read a few lines from the Report of the Royal Commission on Labour on this point:

"The workers, for the most part, live in lines to which the public have no right of access. Access is not ordinarily withheld in practice, but, whenever the manager considers it necessary, a watch is maintained on visitors, and there are almost always *chaukidars*, part of whose duty is to observe movements to and from the lines. It is contended by planters that no amount of vigilance can keep a labourer who is determined to leave; and *chaukidars* are probably employed more to prevent other employers from enticing labourers than to prevent the labourers themselves from leaving. At the same time, we had evidence that workers who wanted to leave even a good garden without permission found it advisable to do so by night. In speaking of a labourer who goes without permission the term universally used is "abscond"; and this term reflects accurately the position in which the labourer on some gardens finds himself when he wishes to seek employment elsewhere."

The fact is that even today the labourer is not entirely free. I therefore feel that the Government should take every measure to give a feeling of freedom to the labourer. The recommendation of the Royal Commission is that the houses of the labourers should be approached by public roads and there should be public roads even within the lines where the houses are built. My Honourable friend Mr. Fox says it will introduce disease. Disease is not prevented from coming simply if you call a road a private road and it will come in if you call it a public road. I feel, Sir, that the Government should take steps immediately to see that all roads leading through the plantations to the houses in which the labourers live should be made public. My own view is that the Government should declare these roads to be public even without giving any compensation. The planters did not pay very huge prices for the lands which they got from Government; they got the lands very cheap, and they have made profits during the last 50 years. And there is no harm at all if Government declares all the private roads to be public. Then the workers' liberty in plantations is restrained and reduced by the action of the planters themselves. The planters have made certain agreements amongst themselves; they have made agreements amongst themselves about wages so that the wages on one plantation should not be increased; they have made agreements amongst themselves not to take . . .

Mr. H. B. Fox: I do not think that is the case.

Mr. President: Honourable Members proposed to be appointed to the Select Committee are giving expression to their views at great length.

Mr. N. M. Joshi: It is quite true that I am one of the Members of the Select Committee, and I am hoping to be able to attend the meeting of the Select Committee. But I am anxious, Sir, that those Members of this House who are not members of the Select Committee will study the Bill in the vacation which they will get and I want to place a few points before them for their benefit.

Then, Sir, the planters have an agreement amongst themselves not to employ each other's labour. This again restricts the liberty of the labourer. It is quite true that the planters may say that they have every right to do so. They may have every right to do so but at the same time the fact remains that the labourers are not an organised body and they

are ignorant and illiterate; and if the stronger party is allowed to make such agreements as will restrain the liberty of the workers who are weak, I suggest that Government will be justified in declaring all these agreements to be null and void. Sir, it is in this way that the Government of India can secure the liberty and freedom of the labourers on plantations.

Then, Sir, the Royal Commission on Labour has made certain recommendations for improving conditions on plantations. They have made recommendations as regards establishing machinery for fixing a minimum wage; they have made recommendations as regards establishing boards of health and as regards education, and certain other recommendations for prohibiting the employment of children before a certain age. I feel that all these proposals should be given effect to without loss of time, so that the real principle of the Royal Commission's recommendations, namely, that the labourer should be made free to go anywhere he likes but should be protected in the province where he goes for his work, will be given effect to.

There is only one more point which I would mention before sitting down; and that point is this; that whatever we may do here in the Central Legislature, a great deal will have to be done for the labourers on plantations in Assam and in the Assam Legislature. I hope that the Government of India will do everything in their power to see that the labour on Assam plantations will be fully represented in the local Legislatures. We must realise that labourers in Assam are not educated and are not able to put forward their own case before the Franchise Committee and before the Government. But I hope that the Government as the trustee of these illiterate and ignorant masses will take every step to see that the labourers in Assam will get adequate representation. I feel, Mr. President, that if they do not get sufficient representation in the Assam Legislature, whatever we may do in the Central Legislature here, the labourer in Assam will not be adequately protected. Assam is a province where not only in old times there was planters' *raj* but I feel that in Assam the planters' *raj* may continue even under the new constitution. I therefore hope that the Government will do everything in their power—they should approach the Franchise Committee and they should approach the Assam Government to see that adequate representation is given to the labourers on plantations. There is no section in Assam which is free from the influence of the planters. The Government are dominated by the planters; the officers are dominated by the planters; the legislators are to a large extent dominated by the planters; and if the present state of the labourer being unrepresented in the Legislature continues, there will be no protection for the labourers in Assam at all. I hope that this defect will be remedied.

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. President in the Chair.

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam: Non-Muhammadian Rural): Sir, after hearing the Honourable Member from Assam, Mr. Fox, one would think that Assam is verily a land of paradise for Indian

[Mr. B. Sitaramaraju.]

coolies. The Honourable gentleman said that nowhere except in Assam were there such restrictions imposed on the recruitment of labour, but may I ask him whether there is any part in India where the same conditions which are obtaining in Assam prevail. He says that this Bill is intended for the benefit of emigrants. I hope it may be, and I wish it were. If it were in the interest of the emigrants themselves, then I would ask why of all the recommendations of the Labour Commission this particular recommendation, which is the least beneficial to the emigrants, has been taken up when other matters of a more weighty character have remained untouched. In this question two parties are involved; one the emigrants and the other are the employers. We have had the benefit of hearing the employers' point of view about the merits of this Bill, but unfortunately we have not had the privilege of hearing the emigrants' point of view in this House, because labour is not directly represented here, although there is my friend Mr. Joshi who, if I may be permitted to say so, is only a labourite by adoption (Laughter), and in the absence of labourers themselves it is very difficult for us to say how their interests are safeguarded, and it behoves us all that we should treat this measure as a trust and administer it as a trust for the sole benefit of those poor labourers. The principle on which this Bill is based is stated to be this, that there should be a removal of the restriction on the free flow of labour in the country. On the face of it, there can be no possible question that the principle appears to be sound. But I would like to ask what was the nature of those restrictions and who were the authorities who have imposed those restrictions and who are the people affected by those restrictions. If we look a little more deeply into the matter, we find that the restriction on the free movement of labour is imposed not so much on the labour itself as on the employers' powers of recruitment. Here the employers by various methods have been recruiting people, and the way in which they have been discharging those duties has become a by word of reproach and in some respects a scandal. Under those circumstances, certain restrictions were imposed by certain Provincial Governments to prevent not recruitment in all cases but certain methods employed in recruitment, and in certain other cases to regulate recruitment under certain conditions. Therefore, it would seem that the restrictions are meant to act against the free exercise of the employers' right of recruiting people from various parts of India. Therefore, I say there is no restriction on the labour itself to go and seek employment in Assam. The restriction is entirely a restriction on recruitment, or rather on the methods of recruitment. Such being the case, one would like to know what safeguards there are, so that these people, who have been notoriously illiterate, who have been helpless and who have been tempted by all sorts of promises by the agents of these employers to forsake their homes and go to distant lands never to return any more, may not be defrauded. Now, the Bill aims at removing that protection which has been accorded up to now to the labourers. In return for that, I must in fairness admit that the Government of India have not altogether neglected the case of the labourers. They say that they are going to impose in substitution for that protection certain rules so as to give them free choice and a right of repatriation. That is the second principle of the Bill.

Sir, I come from a place which is considered to be a fair recruiting ground for these labourers to Assam. The Honourable the Mover of this Bill has also some knowledge of those districts from which this labour is recruited. Sir, I have a little knowledge of how recruitment by the agents of the tea planters is made in my part of the country. Our country is poor, Sir, and particularly those districts which I have the honour to represent are very poor. The land is very much crowded and is not fruitful when compared to other places like those in the Gangetic valley or in the Delta districts. Therefore, it is a great inducement for the labourers to leave the district. If any one goes and offers them substantial amounts as wages and also employment, they will immediately follow them, because, as I said, land is overcrowded and is not able to support them at home. The agents of these tea planters go to these villages and give these poor people a little cash to start with, a few rupees which to the agent is not much but which to the poor labourer is very tempting; then he is promised all sorts of things, and among others I may mention, particularly when these agents deal with young men, they are even promised two wives. (Laughter.) A wise man would consider that even one wife would be too many, but these are poor labourers without any education, they are ignorant and knowledge naturally comes a little late to them. By employing such methods, these poor people are tempted to the towns. With cash in their pockets and plenty of scope for enjoyment, with all the nice things that they are given to eat and with the promise that they would be eating likewise thereafter and with so many other facilities to have a good time they are promised, these poor people are enticed away to the nearest town. They are taken there to all sorts of disreputable houses and are demoralised; and often they are taken to drinking booths. In this condition, Sir, these poor, illiterate people are asked to enter into a contract with the employers. The way in which the indenture system has been working was a big scandal. A hue and cry was raised against it, and as a result the Provincial Governments came to the rescue of these people and passed certain legislation to prevent this sort of propaganda. That legislation protected the labourers from falling victims to the agents in the manner they did. Such being the case, it is very difficult to believe that everything that can be done could be done under this Act unless the Select Committee go into the very details of this question and see how best they can, if not actually substitute, at least secure equal protection that these labourers were hitherto enjoying by such rules as would make it impossible for any exploitation of labour in that direction; or else it is very difficult to understand how this measure will be useful.

Mr. B. Das (Orissa Division: Non-Muhammadan): I am a good deal interested in this measure. I come from Orissa, and since 1866 lots of people have left Orissa and they have never returned to their homes. As far as I understand from my Honourable friends Mr. Fox and Mr. Joshi there are at present 50,000 Oriya labourers employed in the Assam tea gardens. Nine years ago when I became a Member of this House, and found my Honourable friend Mr. Joshi fighting his solitary battle on the floor of this House against a House that showed him no sympathy with problems of labour, my heart went out to Mr. Joshi, and from that day, whenever any measure came up before the House for ameliorating the condition of the working classes, Mr. Joshi always had my sympathy. When I heard to-day Mr. Joshi, I found he was speaking in a tone of

[Mr. E. Das.]

Instead of behaving as civilising agents, they behaved as slave drivers and they treated the labourers in the most inhuman way. These people ought not to have been seduced from their homes. I believe they paid their agents something like Rs. 150 per head. I wish that all that money comes to the labourers in the shape of wages instead of going in bribery and to the Labour Board, which although the Government and my friend Mr. Clow may tell me is a humanising organisation, is the inheritor of traditions of the old indenture system. With these few words, I whole-heartedly support the Bill.

Mr. A. G. Clow (Government of India: Nominated Official): We have had a long debate, Sir, and to me an interesting one. I do not propose to go into the points of detail that have been raised. They were raised, I think, entirely by Honourable Members who it is proposed should serve on the Select Committee, and they can be better discussed there. I would however like to say just a little about the principles of the Bill, and about certain principles which are not in the Bill but which I gather some Members would have liked to have seen there.

Of the principle of repatriation I have heard no criticisms. It affords indeed an answer to a good many of the difficulties which some of my Honourable friends mentioned? As regards what was said by my friend Mr. Das, this is really a safeguard, for it provides that the man if he wishes can get into touch with his own country, and that he will be able to return there if he so wants, with his family, within three years. I would emphasize here, in fairness to the planters and in reply to the suggestions that conditions in Assam are not on a high moral plane, that they unlike most employers in India have always tried to recruit families rather than individuals. I have no reason to believe that in Assam, the high standard which is maintained throughout the Indian villages is not fully sustained.

Rao Bahadur B. L. Patil (Bombay Southern Division: Non-Muhammadan Rural): Is not the population of female workers more than the population of male workers?

Mr. A. G. Clow: It may be so. I have not the actual figures before me but there is a much better sex ratio here than in any centre of industry in India.

The main principle of the Bill is the abolition, so far as it is possible, of restrictions on the free movement of labour. The enunciation of this seems to have misled my Honourable friend Mr. Abdul Matin Chaudhury, who in some other respects, such as the extent of the Controller's powers, did not seem to be very familiar with the provisions of the Bill, into supposing that we were in some curious way giving the Assam employers special facilities for stimulating, I think he said, the flow of labour. Actually the position is somewhat different. So far from giving the Assam employer special facilities, the Bill either continues or imposes upon him restrictions to which no other industry is subject and to which not even the tea planters in other provinces will be subjected.

Mr. Abdul Matin Chaudhury: Is it not a fact that in some of the districts of the United Provinces recruitment for Assam is prohibited. Under the provisions of this Act, they will be free to recruit from those districts?

Mr. A. G. Clow: It is perfectly true that certain districts of the United Provinces are at present closed to recruitment, but under this Bill there will be no possibility of saying to a person in a single part of India that he shall not proceed to another part.

Mr. Abdul Matin Chaudhury: Is it not a fact that you are facilitating recruitment by this Bill?

Mr. A. G. Clow: My Honourable friend Mr. Raju suggested that the only restrictions imposed were those imposed on employers, but actually that is not the case. If he were to go to some of the men in the tracts he was speaking of some of whom are subject to the grave disabilities mentioned by Mr. Joshi and say to them that Assam is a much better place, he might find himself in danger of arrest, and if out of the kindness of his heart he were to pull out a few rupees and say "Here is your fare" he could certainly be subjected to a criminal prosecution.

Mr. Abdul Matin Chaudhury: Why should not the Local Government stop it?

Mr. A. G. Clow: I do not propose to enlarge on that question. It can be discussed in the Select Committee.

Mr. H. B. Fox: These districts in the United Provinces which were closed to recruiting were only closed for the benefit of the employers and the zamindars of the United Provinces.

Mr. A. G. Clow: I think there is no advantage in entering into that controversy though there is truth in the suggestion that they are not in the interests of labour. As a matter of fact, even when this Bill is passed, the employer in Assam will continue to be subject to peculiar restrictions. That, as Mr. Fox and Mr. Joshi explained, is largely the result of history; and my Honourable friend Mr. Das was treating us, I think, more to what is a matter of history than a recital of present day conditions. I am glad to say that there is nothing now approaching indenture in Assam, and if this Bill is passed the last mention of any kind of criminal contracts for labourers will have disappeared from the Indian Statute-book.

Mr. B. Das: Let us hope so. I agree with you.

Mr. A. G. Clow: There were other references to entirely different subjects, and I should like just to mention some of them in conclusion. There were suggestions that the recommendations made by the Commission in other parts of their report dealing with such questions as minimum wages, health and welfare might have found a place in this Bill. These of course stand on a very different footing. In the first place, this Bill deals with migration, which is a Central subject, whereas these subjects are Provincial. In the second place, the Commission themselves did not regard these recommendations as capable of immediate application. In the case of minimum wages, they recognized, that the material was not available and that a good many statistical and other investigations would have to be conducted before the Local Government would be in a position to introduce anything of that kind. I may inform the House that actually the Assam Government has taken one step in that direction for it deputed

[Mr. A. G. Clow.]

a gentleman very well known to this House, Mr. Cosgrave, to visit Ceylon last Christmas with a view to ascertaining how the minimum wage Ordinance was working in that island. As regards health, my Honourable friend Mr. Thampan knows that that is a provincial transferred subject, and it will be for the Local Governments to do what they think fit on that subject. Actually the recommendations of the Commission regarding health were not restricted to Assam; and if I were asked in what places they were most urgently needed, I do not think I should select Assam as the first. The Commission were not under the impression that Assam was the workers' paradise to which some Honourable Members referred, but I can assure the House of one thing, namely that I know of no group of employers in industries who do so much for the health of their workers as the planters in Assam. (Loud Applause.)

Some Honourable Members: The question may now be put.

Mr. President: The question is that the question be now put.
The motion was adopted.

The Honourable Sir Joseph Bhore: Sir, I have nothing to add to what Mr. Clow has said.

Maulvi Sayyid Murtuza Saheb Bahadur: Sir, with your permission, I would simply ask permission to propose the addition of the name of Mr. Uppi Saheb Bahadur, who is much interested in Indian labour. I hope the Honourable the Mover will have no objection.

The Honourable Sir Joseph Bhore: I have no objection if the Honourable Member is willing to serve.

Maulvi Sayyid Murtuza Saheb Bahadur: He is willing to serve.

Mr. President: The question is:

"That the Bill to amend the law relating to emigrant labourers in the tea districts of Assam be referred to a Select Committee consisting of Sir Cowasji Jehangir, Mr. K. Ahmed, Mr. C. C. Biswas, Mr. Abdul Matin Chaudhury, Mr. A. G. Clow, Mr. H. B. Fox, Mr. N. M. Joshi, Mr. B. N. Misra, Mr. H. P. Mody, Mr. G. Morgan, Mr. Tin Tut, Mr. T. R. Phookun, Mr. Gaya Prasad Singh, Mr. K. P. Thampan, Mr. Muhammad Yamin Khan, Sir Frank Noyce, Mr. S. G. Jog, Mr. Uppi Saheb Bahadur, 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 PORT HAJ COMMITTEES BILL.

Sir Frank Noyce (Secretary, Department of Education, Health and Lands): Sir, I move:

"That the Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hejaz be referred to a Select Committee consisting of Khan Bahadur Haji Wajihuddin, Kunwar Haji Ismail Ali Khan, Sir Abdur Rahim, Maulvi Sayyid Murtuza Saheb Bahadur, Maulvi Muhammad Shafee Daoodi, Sir Hari Singh Gour, Mr. A. H. Ghuznavi, Mr. M. Maswood Ahmad, Lieut. Nawab Muhammad Ibrahim Ali Khan, Haji Choudhury Muhammad Ismail Khan, Mr. Rahimtoola M. Chinoy, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

It will be noticed that the composition of this Committee differs somewhat from the one to which I moved reference of another Bill this morning. The reason for that is that, as I think the House will agree, this question

of establishing Haj Committees at the ports is really a matter of domestic concern for the Mussalman community, and it is for that reason that the members of the Select Committee have, with two exceptions, been found from the Muslim Members of this House. The two exceptions are myself, as the Secretary in the Department concerned, and Sir Hari Singh Gour, who has been added to the Committee owing to the desirability of having at least two Members on the Committee who can, if necessary, act as

3 P.M.

its Chairman. As regards the principle of the Bill, I think there can be no question. It is only in regard to details that there may be some differences of opinion and those can be threshed out in Select Committee. There are one or two points on which I may perhaps comment. It would make things very easy for us if we could accept the suggestion of my Honourable friend, Sayyid Murtuza Saheb Bahadur, and accept the recommendations of all our Committees *in toto*. Had we been able to do that in this case, it would have saved my Department and myself hours of work. No references to Local Governments would have been necessary, and we should not have had to call on the Standing Haj Committee for the advice which is so generously and freely given. I have no doubt whatever that the recommendations of Committees represent the best, but unfortunately in this work-a-day world it is the duty of Government to decide how far of the best can be converted into the practical, and that we have had to do in this case. We have had to consult the various interests concerned, and above all we have had to defer to some extent to the views of the Local Governments who are very keenly interested in this matter. For that reason, the composition of the Port Haj Committees, which we have suggested in the Bill, differs considerably from that suggested by the Haj Inquiry Committee in its Report. It will be seen that the composition of the various Committees differs *inter se*. We have got a different Committee for Calcutta, a different one for Bombay and a different one for Karachi. The reason for that is that, acting on the advice of the Standing Haj Committee, which I should perhaps say was given by a majority, we have decided to follow the advice of the Local Governments. But we are not laying down a rigid composition for the Committees: if it is found at a later date that any alterations are necessary, those can be effected without an amendment of the law. I submit to the House that until some experience of the working of these Committees is gained, it is desirable that we should adopt the course which has been suggested by the Local Governments concerned, as they have far more accurate knowledge than I think even the Haj Inquiry Committee or the Standing Haj Committee would claim of local conditions and requirements. It is again exactly for that reason that we have not followed the recommendations of the Haj Inquiry Committee that the Port Haj Committee should elect their own Chairman. But we have given power to the Local Governments to decide whether they will appoint a Chairman or will allow the Port Haj Committee to elect its own Chairman. That view is based on the argument, in which I think there is considerable force, that until the re-constituted Port Haj Committees have found their feet and are working smoothly, it is desirable that the Local Government should exercise a certain amount of control over their working, and the most effective method of doing that is that they should nominate the Chairman.

Again with regard to the appointment of the officers and servants of the Committee, the Haj Inquiry Committee recommended that the Executive Officer of a Port Haj Committee should be appointed by the Committee itself subject to the approval of the Government. Here again

[Sir Frank Noyce.]

after consulting the Local Governments concerned and acting on the advice of the Standing Haj Committee, Government have decided that at the outset the Executive Officer and other servants should be appointed by the Government and that the cost involved should be met from the Central Revenues. Clauses 14 to 16 of the Bill are designed to give effect to this proposal. The power to appoint Executive Officers and other servants will, as in the case of the Chairman, be helpful to the Local Government in securing the smooth working of these Committees. Another reason why it is desirable at the outset that the Executive Officer and other servants of the Committee should be appointed by Government who should meet their cost, is that we are not yet certain how far the funds which are being placed at the disposal of the Haj Committee, and which will be found enumerated in clause 20, will meet their needs. Experience alone can show that. I would submit in conclusion that we are not laying down a rigid method of procedure. What this Bill does is to convert the present Haj Committees, which are purely consultative and advisory bodies, into executive bodies with definite powers. What it also does is to enable Local Governments, as the Haj Committees prove their worth—I have little doubt they will—to enlarge their functions and to give them greater powers without the necessity of coming back to this House for amendments of this measure. I submit to the House that this is the best method of procedure. With these words I would commend this motion for the acceptance of the House.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, in the Preamble to this Bill it is stated: "to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hejaz". In the Statement of Objects and Reasons it is said:

"The Haj Inquiry Committee therefore proposed that the Port Haj Committees should cease to be merely advisory and consultative bodies and should be entrusted by law with the administration of all work connected with the pilgrim traffic at the ports."

If that is the object and if that is the principle, I have no quarrel and I fully agree with the general principles, but when I go through some of these clauses of the Bill I find that in clause 4 the Committees are constituted in such a way that there shall always be a majority of nominated members in all these Committees. I should like to make it perfectly clear, if that is the principle to which this House is to be committed, then I take exception to the principle. I have seen that in clause 4 there is a provision for 19 members for the Port of Calcutta for the composition of Port Haj Committees. Of these members 15 are nominated, and of them as many as five may be officials and only four members are to be elected by the Muslim members of District Boards in Bengal. The condition in Bombay is a little better. There, out of 19 members of the Committee, it appears, nine should be nominated members. I do not know why in Calcutta the proportion of nominated members is so very high. I wish the Honourable Member to explain to this House why, in these days of full Dominion Status and other high sounding phrases, in a small Committee where the Muslim members are expected to help Government by their advice for the assistance of the Muslim pilgrims going to Hejaz, there should be a majority of nominated members. Why should the Muslim members not be entrusted with the task of electing their own men in whom they have full confidence? Why should the Local Government usurp to themselves these powers, and why they should think that they

are the best judges of the interests of the people, even in religious matters, where they are going to help their own co-religionists? As regards the composition of the Karachi Committee, I find the same thing. In that Committee, there are 17 members, of whom eight members are nominated by the Local Government. What special claim have the Local Government to nominate their own men on these Committees, when properly the Municipalities and in some places the District Boards should elect members to these Committees? That is the one general principle to which I have objection, and if that is the principle, I think the House will be well advised in opposing this measure going to the Select Committee unless Government explain that that is not the principle to which the House is committed.

There is a slight matter in clause 4 (2) (c) regarding elected Muslim members of the Bombay Medical Council. I submit this should not be confined to Muslim members alone. Here you want medical advice, I think non-Muslims also can offer their best advice in this matter. That is however a small matter. I should like to press on the House that the main ground for consideration of the House is that the Select Committee should be free to alter the composition of these Committees in a way that there should be not only a slight majority, but a large majority of elected members in the Committees of the different ports.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division: Muhammadan Rural): I had not the least idea of speaking on this motion, but it appears that Government in a quiet way have brought in such an important piece of legislation when they thought perhaps that in a thin House it would be possible for them to have it passed uncontested. As one who comes from a province wherefrom a large number of Hajis go over to Hejaz for pilgrimage every year, I think it would be pertinent on my part to say a few words on the principle of this Bill. We have been told, day in and day out, with regard to the coming millennium, that it is likely to come within the next one or two years where the rule would be that all the non-officials would be elected and so forth, but it appears to me, though in a disguised form, the Honourable Member who introduced this Bill has said that perhaps it is not likely to bind the coming Assembly, with regard to the principle of the Bill, but still I think the mischief will be committed if this Bill is allowed to go in this way even to the Select Committee without some sort of criticism. My Honourable friend Mr. Mitra has very pertinently pointed out that, whether it has been the result of a long thought-out deliberation on the part of the Department of my Honourable friend Sir Fazl-i-Husain, or whether it is the result of the deliberations of the majority of the Standing Haj Committee of this Assembly that this principle has been introduced, the mischief is there. If I am not giving out any secrets, it seems to me that with regard to the composition of the Port Haj Committee at Calcutta, the Government of India have surrendered body and soul to the representations of the Government of Bengal. It seems that some unfair pressure was put on the Standing Haj Committee of the Government of India, and perhaps that unfair pressure is responsible for this most unbusiness-like constitution which they have suggested for the Calcutta Committee. It surpasses one's comprehension that the Government of India, over which my Honourable friend Sir Fazl-i-Husain presides, should come to this Assembly with this form of constitution. You know to whom this Committee will be responsible: they will be responsible to the people in that tract of land starting

[Mr. Muhammad Anwar-ul-Azim.]

from Sadiya in the North East, down to my place in the South East and Bihar to the West. That is a very large tract of land, and to have this huge tract represented at Calcutta in the manner proposed seems, to put it mildly, puerile. I am really surprised that the Government of India could only think of giving representation on that Committee to the extent of four non-official Muslims, who might perhaps be members of the District Boards. Perhaps the only exception is this: that the people who might be eligible for membership might be non-members as well; but it seems so bad that they could not think of any other method for giving the mofussil area of Bengal an effective voice in this matter except to the extent of allowing only four seats on that body. If you proceed a little further, Mr. President, you will see that perhaps the composition of the Committees at Bombay and Karachi is also not very happy; but still I think the Select Committee will be very well advised to take notice of the fact that in the year of grace 1932 this sort of retrograde thing is proposed and whether they should allow such a non-chalant Government like the Government of Bengal to ride rough shod over the wishes of the people. We have the advantage of legal luminaries like Sir Abdur Rahim and shrewd men like Mr. Ghuznavi on the Select Committee, and I hope and trust that they will modify this clause 4 at least, which relates to the composition of these Committees, in such a way that it might be agreeable to all of us. Mr. President, Bengal is a very large province, and the Muslim population is as docile, as could be imagined. They are a loyal band, and they could surely be trusted to elect their own men to serve on that Port Committee at Calcutta.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, I am very much obliged to my friend, Mr. Mitra, for drawing my attention to this particular clause of the Bill which is sought to be referred to a Select Committee. It does strike one as rather strange that in Bengal, neither the Local Government nor the Government of India could find a large enough constituency for Muslims to elect a few members of the Committee for this purpose. It is not a question of principle. I take it the principle that is involved is that a Committee will be established in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hejaz; and it does not seem to be necessary even for Bengal that there should be a preponderance of members nominated by the Government. I take it that is a point more or less of detail which can be rectified in the Select Committee. If that is so, I think it may very well be left to the Select Committee to rectify the mistake.

Haji Chaudhury Muhammad Ismail Khan (Bakarganj cum Faridpur: Muhammadan Rural): Sir, I have to congratulate the Honourable Member in charge of the Bill on having framed this Bill; but I cannot for a moment accept clause 4 of the Bill, whereby 15 out of 19 of the members are to be nominated. I do not see why what has been found possible in the case of Bombay and Karachi has been found impossible in the case of Bengal. I hope the House will agree with me when I say that there is no justification whatsoever for this kind of differentiation of one province from the other. By so doing, the Government have not formed a correct opinion about Bengal, which is one of the first and foremost in point of the huge number of pilgrims. At the last meeting of the Standing Haj Committee in Simla, I opposed the procedure of nomination vehemently;

and some other members including Mr. Clayton supported me; but I now see that the Government of India have not heeded our joint opposition. I hope the Select Committee will mend the matter.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, I do not rise to oppose this reference to Select Committee but to point out that the only representative from my party on the Select Committee is Sir Hari Singh Gour. I would suggest the name of Bhai Parma Nand also to be added to the Select Committee. I do not look upon this as an essentially Muslim business; it has no communal outlook at all, though the position as put in the Bill is only communal. I do not like the communal aspects of this Bill, for instance, if you refer to clause 4, you will find that it is communal throughout, including the Medical Council of Bombay—for instance where it says: "The elected Muslim members of the Bombay Medical Council". Communalism so far as Muslim doctors alone ministering to the Muslim pilgrims is open to very serious objection, and incidentally affords comment upon our ambition to develop democratic institutions in our country. I hope the Honourable gentleman will accept my suggestion in regard to Bhai Parma Nand being included in this Committee, because as our party has only one representative on this Committee, it is entitled to adequate representation; and whatever controversial clauses there may be in this Bill, it is not a matter to be discussed at this stage, but in the Committee; and the object of all the members of the Committee should be to ameliorate the conditions of Muslim pilgrims to the Hejaz, a subject on which there can be no controversy whatever.

Mr. President: Does the Honourable Member agree to the addition of the name suggested?

Sir Frank Noyce: I am really in a somewhat difficult position, Sir. . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair will explain the position to the Honourable Member. A suggestion is made for the addition of a name. The Member in charge is entitled either to accept the name or to refuse to do so. If the Member in charge refuses to accept the suggestion, then the Member making the suggestion is entitled to move it in the form of an amendment. That is the correct procedure. The Chair wishes to know, in the first instance, whether the Honourable Member is agreeable to accept the suggestion of Mr. Ranga Iyer?

Sir Frank Noyce: I regret, Sir, that I am unable to accept the suggestion. We readily accepted the suggestion made this morning that Bhai Parma Nand should be added to the Select Committee on the Indian Merchant Shipping (Amendment) Bill, because that involves issues which do not entirely affect the Muslim community. This is

Mr. President: The Honourable Member need not give his reasons at this stage.

Sir Frank Noyce: I am sorry, Sir.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member has stated that he is not willing to accept the suggestion. If the Honourable Member who made the suggestion moves an amendment to add the name, the Honourable Member will be entitled to give his reasons in opposing it. This is not the stage when these reasons can be given.

Mr. C. S. Ranga Iyer: May I move, Sir, that the name of Bhai Parma Nand be included in the list. I can easily tell the Honourable Member in charge of the Bill that if he does not include the name that I suggest, so far as this particular Bill is concerned, it may be that at a later stage there may be difficulties in the passing of this Bill. My only object in making the suggestion is to avoid future difficulties in the passing of the Bill so that, whatever discussion there might be in regard to this Bill *in camera*, it will not be public property, but it will be so when the Bill emerges from the Select Committee. Therefore mine is a very helpful suggestion. I do not propose to press my motion to a division, but I thought it was my duty to tell the Government that all these matters could be better discussed inside the Committee than on the floor of this House before the Bill emerges from the Select Committee.

Mr. President: Amendment proposed:

"That the name of Bhai Parma Nand be added to the list forming the Select Committee proposed by the Honourable Member, Sir Frank Noyce. Both the original motion and the amendment are now before the House."

Maulvi Muhammad Shafee Daoodi (Tirhut Division: Muhammadan): Mr. President, I have been trying to find what is exactly at the back of my Honourable friend's mind when he suggests that Bhai Parma Nand's name should be included in the list of members of the Select Committee

Mr. C. S. Ranga Iyer: Bhai Parma Nand is a member of my party.

Maulvi Muhammad Shafee Daoodi: Bhai Parma Nand might be a very good man to advise us as to how legislation should proceed in matters which concern his own community, but I submit that in a matter like this, which exclusively concerns the Muslim community, he will not be able to give us much help

Mr. C. S. Ranga Iyer: Then why do you want Sir Hari Singh Gour?

Maulvi Muhammad Shafee Daoodi: If my friend's contention is that there should be some one from that side, I mean from the Nationalist Group, on this Committee, that is a different matter altogether.

Mr. C. S. Ranga Iyer: That is exactly my position; I stated so.

Maulvi Muhammad Shafee Daoodi: Therefore, I was going to say that there is already one Member, who is the Leader of the Nationalist Party, on the Select Committee, and I do not know why in spite of that, Bhai Parma Nand's name should be added.

Sir Abdur Rahim: I think, Sir

Mr. President: Are you speaking on the amendment?

Sir Abdur Rahim: Yes, Sir; I think we ought to accept the suggestion put forward by Mr. Ranga Iyer, which is, as I understood him, that he wants his party to be properly represented

An Honourable Member: Sir Hari Singh Gour is already there.

Mr. C. S. Ranga Iyer: Supposing he is ill?

Sir Abdur Rahim: Supposing the Leader of Mr. Ranga Iyer's party is ill; or he wants some one else to be on the Committee to represent his party. From that point of view I do not think myself there can be any objection at all to this suggestion.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): I think, Sir, my friends the Muslim Members must welcome the suggestion made by my friend Mr. Ranga Iyer. When my friends find that the Hindu Members are willing to co-operate with us or to lend us any help, such help should be sincerely welcomed and appreciated, and there can be no objection whatever to the suggestion made by my friend Mr. Ranga Iyer. If there is any apprehension in the minds of certain Honourable Members that their views might be opposed by a man like Bhai Parma Nand then I should always welcome such a man who is always opposed to me to be with me to see that what I am doing is the right thing and convince him in private conversation while sitting in the Committee that we are right and shut up his mouth from publicly opposing any measures affecting our community without having an adequate idea of the peculiar difficulties affecting these pilgrims. I see no objection, therefore to the suggestion of my friend Mr. Ranga Iyer, rather I welcome it, and strongly support the motion.

Sir Frank Noyce: In view of what has fallen from Sir Abdur Rahim and Mr. Yamin Khan, I entirely withdraw my opposition to the proposal.

Mr. K. P. Thampan (West Coast and Nilgiris: Non-Muhammadan Rural): Sir, I should like to speak a word or two on the main motion. I am not interested in this Bill. I may also confess at the same time that I have not cared to go through the Report of the Haj Committee, but on going through the several sections of the Bill, it struck me that I might at this early stage venture to suggest that some kind of statutory provision may be made to appoint one Moplah on the Bombay Committee. Sir, the Moplahs on the West Coast form a peculiar community. They do not know the Urdu language or the language that is spoken in Arabia or Hejaz and they form by themselves a separate class. I know though they are very deeply religious they are illiterate and many of them go to Hejaz every year. If there is any class of Muslims who stand in need of protection and advice in such matters it is the Moplahs. I find there is provision for as many as 10 elected members on the Committee, but there is absolutely no chance for any Moplah to seek election into the Committee

Mr. Rahimtoola M. Chinoy (Bombay City: Muhammadan Urban): May I inform the Honourable Member that the Deputy Protector of Pilgrims in Bombay is a Moplah?

Mr. K. P. Thampan: I am very glad to hear it, and I only want the same to continue in the future also. I am aware that my friend Mr. Uppi Saheb who represents them in their House is more competent and

[Mr. K. P. Thampan.]

would have been able to deal with this matter much better than I can do but unfortunately I do not find him now in his seat here. I therefore take this opportunity to appeal to the Government and the general body of Muslim Members at this early stage that it may be statutorily provided to appoint at least one Moplah on the Committee in Bombay.

An Honourable Member: The question may now be put, Sir.

Mr. President: I accept the closure.

Before calling upon the Honourable Member to reply, I should like to ask Mr. Ranga Iyer whether in view of the fact that the addition of Bhai Parma Nand's name has been accepted by the Member in charge, he would withdraw his amendment?

Mr. C. S. Ranga Iyer: Yes, Sir.

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

Sir Frank Noyce: Sir, I have very few words to say. The only important point which has been raised in connection with this motion is the constitution of the Haj Committee at Calcutta, Bombay and Karachi, and I need hardly say that this is a matter which is open to discussion in the Select Committee. Government are not committed to any definite figure under any of the various heads. The only other point, Sir, that I have to deal with is that made by Mr. Thampan, and I have little doubt that his proposal to appoint a Moplah to the Bombay Haj Committee will be fully considered by the Select Committee.

Mr. President: The question is:

"That the Bill to establish committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hejaz, be referred to a Select Committee consisting of Khan Bahadur Haji Wajihuddin, Kunwar Haji Ismail Ali Khan, Sir Abdur Rahim, Maulvi Sayyid Murtuza Saheb Bahadur, Maulvi Muhammad Shafee Daoodi, Sir Hari Singh Gour, Mr. A. H. Ghuznavi, Mr. M. Maswood Ahmad, Lieut. Nawab Muhammad Ibrahim Ali Khan, Haji Chaudhury Muhammad Ismail Khan, Mr. Rahimtoola M. Chinoy, Bhai Parma Nand, 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 HEJAZ PILGRIMS (MUALLIMS) BILL.

Sir Frank Noyce (Secretary, Department of Education, Health and Lands): Sir, I move:

"That the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hejaz be referred to a Select Committee consisting of Khan Bahadur Haji Wajihuddin, Kunwar Haji Ismail Ali Khan, Sir Abdur Rahim, Maulvi Sayyid Murtuza Saheb Bahadur, Maulvi Muhammad Shafee Daoodi, Sir Hari Singh Gour, Mr. A. H. Ghuznavi, Mr. M. Maswood Ahmad, Lieut. Nawab Muhammad Ibrahim Ali Khan, Haji Chaudhuri Muhammad Ismail Khan, Mr. Rahimtoola M. Chinoy, Bhai Parma Nand, 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. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa; Muhammadan): This is a very important Bill. It imposes many restrictions on those *muallims*, who are generally foreign subjects. Not only that, but it gives powers of control to the Central Government and the Provincial Governments. Clause 3 deals with the power of the Governor General in Council to make rules. Clause 5 deals with the power of Local Governments to make rules. Clause 6 deals with the penalty for acting as a *muallim* without a licence. Clause 7 deals with presumption regarding motive, clause 8 deals with the penalty for contravention of the conditions of licence, and so on. At the same time, although this Bill has been brought forward on the recommendations of the Haj Committee, I will say that there were two kinds of recommendations. One was open recommendation and the other was confidential recommendation and as far as I remember, no comment has appeared in any paper on the confidential recommendations at any time. Further when such an important measure is referred to a State Committee, the opinions of the Local Governments and of the *Ulemas* and other Muslim institutions should be before the Committee for their guidance. I therefore request the Honourable Member in charge to at least circulate this Bill by executive order. If the Honourable Member in charge finds any difficulty even in doing so, then I suggest that a few copies in Urdu should be supplied to Members to send them out to different newspapers, Muslim institutions and *Ulemas*, or he should ask Members to give a list of the institutions, persons, newspapers, and *Ulemas* to whom the Bill can be sent for opinion, because this is a very important matter and *muallims* are generally inhabitants of a foreign country and they are restricted by this Bill. There are also other things in this Bill. So, the opinion of *Ulemas* and others must be taken, and I request the Honourable Member in charge to consider my suggestion.

An Honourable Member: What about Maulvi Muhammad Shafee Daoodi and Maulvi Sayyid Murtuza Sahib Bahadur?

Mr. M. Maswood Ahmad: They are not *Ulemas* as far as I know. A man who is called a Maulana does not mean that he is an *alim* and he has read all the verses of the Koran. (Laughter.) When I said verses of the Koran, I mean a detailed study of the Koran with its several interpretations and meanings. There are many *Hadises* and things like that. There is one series which is called *Sahah Sil'a* contains many books and volumes. There are many other series in *Hadis*.

Maulvi Sayyid Murtuza Saheb Bahadur (South Madras: Muhammadan): I should thank the Honourable Member Mr. Maswood Ahmad for having given a certificate in favour of Maulana Shafee Daoodi and myself. (*An Honourable Member:* "Not a certificate".) Yes, it is a certificate saying that so and so are not *Ulemas*. We do not pose ourselves as highly cultured accomplished men so far as Islamic theology is concerned, but my Honourable friend should at the same time know that whatever is wanted for the observance of Islamic tenets Maulana Shafee Daoodi and myself are supposed to know. I should bring to the notice of the House in this connection that he has cast a slur on our Committee—I mean the last speaker, Mr. Maswood Ahmad. He said, I think that our committee submitted two reports, one being public and the other a confidential one. I repudiate that charge on the floor of this House. So far as we are concerned, we did not at all send any confidential report, and we

[Maulvi Sayyid Murtuza Saheb Bahadur.]

do not know what confidential report was sent by our President. He may or he may not have sent any confidential report, but so far as we are concerned, we have sent only one report, and that report is the report which is before the public now. So, my friend Mr. Maswood Ahmad was wrong in having cast a slur on us.

Mr. Muhammad Anwar-ul-Azim (Chittagong Division: Muhammadan Rural): I am grateful to you for allowing me to catch your eye, Mr. President, but I will not take more than two minutes. It is really surprising that Mr. Maswood Ahmad should come and inflict unnecessary remarks on some of the prominent and respectable members of my society who are Members of this House. Mr. Maswood Ahmad perhaps forgot himself in giving support to those gentlemen, the *muallims* who are parasites in our society that he had also a responsibility as a gentleman. The tyranny of the *muallims* is more or less a scandal at least in my part of Bengal. If this Bill does something to mitigate the hardship which is practised on poor Muslims, by the *muallims*, I think it will have done bare justice to some of the people of this country. Besides, the *muallims* are not all of foreign domicile—there are many local *muallims*, who carry on this trade as guides—I do not know if it will be possible to have the opinion of the Governments of Hejaz, and other Islamic countries within such a short time by any executive orders, but I feel that as we are mostly concerned on this side (with the safety and tranquillity of the Indian pilgrims alone, this measure may be given a trial, and put on the Statute-book as quickly as possible.

Mr. M. Maswood Ahmad: On a point of personal explanation, Sir. Some of the papers which were supplied to us as members of the Haj Committee were marked confidential. Apart from this I just now enquired and came to know that there are confidential recommendations. I did not say that there was another confidential report, rather I said there are confidential recommendations which cannot be denied. I repudiate the statement if any one claims that there is no confidential recommendation at all.

Maulvi Sayyid Murtuza Saheb Bahadur: Of course, my Honourable friend has modified what he has said

Mr. President: The Honourable Member has already spoken.

Maulvi Sayyid Murtuza Saheb Bahadur: On a personal explanation, Sir.

Mr. President: Let it be a personal explanation only.

Maulvi Sayyid Murtuza Saheb Bahadur: When I said I repudiate his statement, of course, I said that the statement he had made was not a correct one, but so far as Kamraon quarantine and some other international matters are concerned there was a confidential recommendations as advised by the Government.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): I just wish to say one word. Though I have not performed a pilgrimage myself so far, I know as a matter of fact that a Bill of this character is

extremely necessary and will be found to be very useful, especially to the Muslim population of Bengal. I have met some of these *muallims* who come now and then to India to canvass for clients, and we all know that the pilgrims, at any rate many of them, suffer very great hardships at their hands. So far as any of these hardships and difficulties may be mitigated, I think we ought to give every support to the principle and scope of this Bill.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official): Sir, from the Western Punjab no man has been taken on the Select Committee. Sayyid Rajan Baksh Shah was a member of the Haj Committee and in the interests of the Mussalmans I propose that he should be taken on the Select Committee. He is a leader of the Mussalmans and a *Pir* of that part of the country. Unfortunately my province has not been represented and I do not like to mention my own name. If the Honourable Member in charge agrees, I shall offer myself. If not, I propose the name of Sayyid Rajan Baksh Shah.

Sir Abdur Rahim: I propose that Major Nawab Ahmad Nawaz Khan be also added to the Select Committee.

Mr. President: The first suggestion is Khan Bahadur Makhdum Syed Rajan Baksh Shah's name be added to the Select Committee. Has the Honourable Member in charge any objection?

Sir Frank Noyce: I have no objection.

Mr. President: The second suggestion is that the name of Major Nawab Ahmad Nawaz Khan be added.

Sir Frank Noyce: I have equally no objection.

I am very glad to have had the powerful support of the Honourable the Leader of the Independent Party to the principle of this Bill. There has been no criticism which I have to meet, but I should like to be certain that I have understood exactly what my friend Mr. Maswood Ahmad said. If his desire is that the opinions of Local Governments which were, of course, duly obtained should be placed before the Select Committee, I need hardly say that there is no objection whatsoever to that course. I should be glad to know that I have understood him correctly. (Mr. Maswood Ahmad nodded assent.) That being so, I gladly accept his suggestion. I have nothing more to say except that as this is the last occasion on which I shall appear in my present capacity in this House, I am very glad that it has been in connection with such wholly beneficent legislation as the three Bills, the motions in regard to which I have moved to-day.

Mr. President: The question is:

"That the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hejaz be referred to a Select Committee consisting of Khan Bahadur Haji Wajihuddin, Kunwar Haji Ismail Ali Khan, Sir Abdur Rahim, Maulvi Sayyid Murtuza Saheb Bahadur, Maulvi Muhammad Shafee Daoodi, Sir Hari Singh Gour, Mr. A. H. Ghuznavi, Mr. M. Maswood Ahmad, Lieut. Nawab Muhammad Ibrahim Ali Khan, Haji Chaudhuri Muhammad Ismail Khan, Mr. Rahimtoola M. Chinoy, Bhai Parma Nand, Khan Bahadur Syed Rajan Baksh Shah, Major Nawab Ahmad Nawaz Khan 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.

RESOLUTION TO AMEND THE PREVIOUS RESOLUTION ON ROADS.

The Honourable Sir Joseph Bhore (Member for Industries and Labour): Sir, I move:

"That this Assembly recommends to the Governor General in Council that the Resolution on roads adopted by this Assembly on the 4th February 1930, be amended by the deletion from clause 5 of the words:

'As an exception to this rule, the amount available for Burma may, for the present, be spent on any scheme of road development that is approved by the local Government with the concurrence of the local Legislature;'

and the substitution of the words:

'As an exception to this rule the amount available for Burma shall be apportioned separately in the ratio specified in clause 3 (b) (i) between the Shan States and the remainder of Burma. The amount available may, for the present, be spent on any scheme of road development that is approved, in the case of the Shan States by the Governor after consultation with the Federal Council, and in the case of the remainder of Burma by the local Government with the concurrence of the local Legislature.'

I will not detain the House long over this Resolution, which if it is somewhat formidable in appearance, is really in essence extremely simple. The House will note that under the Resolution of the 4th February 1930 in the form in which it was passed by this House, the share of Burma in the road development account accruing from the surcharge on the petrol actually consumed in Burma is to be spent on schemes of road development in Burma with the concurrence of the local Legislature and the approval of the Local Government. This Resolution, unfortunately, overlooked two facts. It overlooked first the fact that the Federated Shan States are a separate sub-entity from the rest of Burma, and secondly it overlooked the fact that under the existing constitution, that is, the Government of India Act and the notifications under the Government of India Act, the local Legislature of Burma is definitely precluded from discussing any expenditure in the Shan States. We have therefore to rectify this defect in the original Resolution, and what we therefore propose to do is this. We propose to calculate separately the share of the Federated Shan States in the Road Development Fund on the same principle that is adopted in all cases, namely the actual consumption of petrol, and we propose that this share shall be applied to schemes of road development in the Shan States by the Governor with the concurrence of the existing Federal Council of the Shan States. Honourable Members will thus see that all that I am doing in bringing forward this Resolution is to adapt it to the actually existing constitutional position. Without that, I am afraid that no money from the Fund can be spent on road development in the Shan States. Sir, I move.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I rise to support the motion moved by my Honourable friend, Sir Joseph Bhore. Sir, under the present constitution the method suggested in the new amendment entirely meets the position as the situation demands it, and I have nothing further to add.

Mr. Jehangir K. Munshi (Burma: Non-European): Mr. President, may I inquire from my Honourable friend, Sir Joseph Bhore, whether this amendment has been moved at the instance of the Government of Burma?

(3010)

The Honourable Sir Joseph Bhore: Sir, I do not quite see how that affects the merits of the amendment. If my Honourable friend has any reason to urge against the merits of it, I shall be very happy to answer any objections that he may put forward.

Mr. Jehangir K. Munshi: The reason why I put this question to the Honourable Member is that it is the cherished aim and ambition of His Excellency Sir Charles Innes, the Governor of Burma, to dismember Burma perpetually into three parts—so-called Burma proper, which remotely corresponds to British India; the Shan States, which are supposed to be governed by the Shan Chiefs, and which correspond to the Indian States, and then comes the third and most amazing part of Burma, the "excluded areas"; up till now, these have been described as "backward tracts"; now they have been promoted to "excluded areas": and the "excluded areas", Sir, consist of nearly one-half of Burma! It would be of considerable interest to the House to know that these "excluded areas" contain practically the whole of the mineral wealth of Burma. The "excluded areas", which so far have been referred to as "backward tracts", are not within the control—even the partial control—of the Burma Legislative Council; and the constitution outlined by the Prime Minister at the close of the Burma Round Table Conference has threatened to perpetuate the dismemberment of Burma into three parts—the Shan States, which very remotely correspond to the Indian States, the so-called Burma proper which is about one-third of the whole of Burma, and the "excluded areas", which amount to nearly one-half of Burma. That is the reason, Sir, why I asked my Honourable friend Sir Joseph Bhore whether this amendment has been dictated by the Government of Burma, because I have noticed recently that although other Provincial Governments may address requests to the Government of India, the Government of Burma dictates to the Government of India regardless of the real welfare of the people of Burma. I take it, Sir, from my Honourable friend's hesitation in answering the question, that this amendment has been moved at the instance of the Government of Burma; and I strongly object to this House lending its support to the principle of dismembering Burma in this manner. (Hear, hear.)

Sir, I am afraid my Honourable friend, Mr. B. Das, when he lent his support to this motion, did not have this aspect of the position clearly before him. This is a matter, Sir, on which Burmans feel acutely. This is a matter on which the Burma Legislative Council also feels strongly, and I see no sufficient reason for going back on the original motion. The original motion permits the Government of Burma to spend the road development money after consulting the Burma Legislative Council; and whether the Burma Legislative Council is or is not allowed to have a say in the administration of the "excluded areas", there is no reason to suppose that it will be found unreasonable in meeting the Local Government's demand with regard to a fair apportionment of this money intended for road development in Burma. Although it is extremely difficult to carry any motion against Government in this House, as it is at present constituted, I must voice in this House Burmese national sentiment which strongly resents any effect to dismember Burma and to keep outside the control of the Legislature in Burma nearly two-third of Burma which contains practically the whole of the mineral wealth of Burma. (Applause.)

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Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I did not move my motion for postponement of the consideration of this Resolution because I thought that it did not refer to any constitutional question at all, and as I heard the Honourable the Mover of the Resolution I thought it was confined merely to the road adjustment fund without any reference to the constitutional questions at stake; but if this Resolution in any way anticipates the future of Burma and its federation, then I shall appeal to you, Sir, that this would be a very contentious and very important question which should not be taken up now. I should like to hear from the Honourable Member who moved it whether that is his intention.

The Honourable Sir Joseph Bhowe: Sir, I shall be very glad to satisfy the doubt which has arisen in the mind of my Honourable friend, Mr. Mitra. I can give him an assurance that there is absolutely no intention of prejudicing in any way and to the slightest degree the constitutional position of the future (Hear, hear). All that this motion does is that it takes account of the existing constitutional position, which makes it impossible under the existing Act and under the existing notifications for this expenditure to be incurred on the Shan States, if the Resolution is not amended. The only result of rejecting this Resolution will be that the Shan States will have to go without the money to which they have a moral right. I hope, Sir, that will put the case in its true light for my Honourable friend's information. (Hear, hear.)

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, after my Honourable friend, Mr. Munshi's speech, one would have thought that a red herring had been drawn across the trail, but after the assurance given by the Honourable Member in charge, I think every apprehension that has been unnecessarily raised has been laid at rest, and I think there should be no difficulty in agreeing to the passing of this motion.

Mr. President: The question is:

"That this Assembly recommends to the Governor General in Council that the Resolution on roads adopted by this Assembly on the 4th February, 1930, be amended by the deletion from clause 5 of the words:

'As an exception to this rule, the amount available for Burma may, for the present be spent on any scheme of road development that is approved by the Local Government with the concurrence of the local Legislature;'

and the substitution of the words:

'As an exception to this rule the amount available for Burma shall be apportioned separately in the ratio specified in clause 3 (b) (i) between the Shan States and the remainder of Burma. The amount available may, for the present, be spent on any scheme of road development that is approved, in the case of the Shan States by the Governor after consultation with the Federal Council, and in the case of the remainder of Burma by the Local Government with the concurrence of the local Legislature.'

The motion was adopted.

Mr. President: I understand that the Honourable Member, Sir Abdur Rahim, wishes to make a statement on the South African question. Sir Abdur Rahim.

STATEMENT RE SOUTH AFRICA.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): With your permission, Sir, I wish to make a brief statement of the position on this side of the House with reference to the statement that was made this

morning as regards the South African situation. The Honourable Member who made that statement gave his reasons why the Government was not able to say anything until to-day with reference to what happened between the Delegation of this Government and the South African Government. Sir, we accept that as a good reason, but all that I wish to say is this, that this is a question in which this House is very deeply interested, as is well-known to the Government. If we have not raised any discussion upon the statement that has been made, it is simply because we had not the opportunity of studying what actually happened, what has been actually achieved, and we thought it desirable in view of the further fact that this is the last day of this session, or practically the last day, that we should have an assurance from the Government that not only full opportunity will be given to us at the next session in Simla to discuss the South African position but also that the Government will watch the course of events and see that nothing is done in the meantime which will prejudice the Indian case. That is the assurance which this side of the House would like to have from the Government.

The Honourable Mian Sir Fazl-i-Husain (Member for Education, Health and Lands): Sir, the Honourable Member has asked for two assurances to be given: one is that a Government day will be given for the discussion of this statement in the Simla session. I have no difficulty whatsoever in assuring the House that if Honourable Members desire in Simla, after having studied the whole matter, that they wish to have a discussion, a Government day shall be provided for the discussion. The second point on which the Honourable Member has desired an assurance is, so far as I have been able to follow him, that nothing shall be done between now and the discussion which will in any way alter matters in South Africa. Have I understood the Honourable Member aright?

Sir Abdur Rahim: I said nothing would be done to prejudice the Indian case and that Government will watch the situation.

The Honourable Mian Sir Fazl-i-Husain: As for watching the situation I can assure him that we will do it very very thoroughly. The position is this, that to-day Dr. Malan has made this very statement in the Houses of Parliament in Cape Town. As mentioned in our statement, the Transvaal Bill has been reintroduced in a modified form and that has to pass through their Parliament. That is their law. I have not the slightest doubt that the Honourable Members feel that the Parliament there has to get through their legislation just as we here have to get through our legislation. As our Agent informs us from time to time whether any amendment is coming on which might prejudice our case, we at once give him instructions to do what he can in making representations to the Member-in-charge. Of course, we have no Indian representative in the Union Parliament and therefore we can do nothing in that way. But I assure him that our Agent there and we ourselves here will keep a very watchful eye on how this legislation progresses and if it is necessary to take any action, we shall have to take that action forthwith. I have no doubt from the assurances received when we were in South Africa, that the amendments that Dr. Malan has told us he has incorporated in the Bill will be passed. Yet, it is impossible for any one to say that the Parliament has no right to refuse to pass them just as it would be impossible for me to commit

[Sir Fazl-i-Husain.]

the whole House. All that I can say is that I have assurances from all parts of the House that they will be passed. I think that is about all that any Government can say, and I trust that Honourable Members will find it suitable.

REPORT ON FINANCIAL QUESTIONS ARISING OUT OF THE PROPOSED SEPARATION OF BURMA FROM INDIA.

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

"That the Report by the Standing Finance Committee on financial questions arising out of the proposed separation of Burma from India be taken into consideration".

Before I say anything in explanation of this motion, I must make some reference to an amendment which is down on the paper to the effect that consideration should be postponed till the Simla session. I wish to make it clear at the outset that we, on this side of the House, are most anxious to meet the wishes of the Honourable Members in this case, and if it is the desire of the House that this discussion should not proceed, or at least that the debate should not be concluded now, but should be adjourned till the Simla session, then, so far as Government are concerned, they will certainly not endeavour to make such a course impossible. But before the House expresses an opinion on this issue, I am bound to explain to them exactly what the position is and why it is that we felt it to be essential to give the House an opportunity to discuss this motion this session. If therefore I speak now at any length on the general subject, I want to make it clear that it is not because I am prejudging the case as to whether the motion is to be postponed or not, but merely because we, on the Government side, feel that the House cannot really be asked to express a view on that issue before we have explained to them exactly what is involved. We regret as much as any Honourable Members opposite can possibly regret that it has not been possible to bring this motion forward earlier in this session. But I would remind Honourable Members that throughout the session we, on this side of the House, have done our best to adapt the proceedings to suit their conveniences so far as it lay with us to have any influence on the matter, and that it really has not been possible to bring this motion forward at any earlier date, after the date on which the Standing Finance Committee completed their Report. On the other hand I might also remind the House that we did give notice of our intention to bring this matter forward some considerable period ago, and therefore it cannot be said that we have sprung it as a surprise at the last moment. Now I wish at this late hour to be as brief as possible; but I feel that in introducing this motion I really must, as shortly as possible, put the issues before the House. In the first place I would remind the House that any consideration of the financial issues at this stage is purely hypothetical. We can merely consider what would be the financial issues or consequences if separation is to take place. No one is asked to commit himself in any way on the issue of separation; and that point has been very clearly brought out by the Standing Finance Committee themselves in their Report. Paragraph 2 of that Report reads as follows:

"In the first place the Committee recorded that its consent to take the memorandum into consideration implied no expression of any views on the merits of the question of separation as such. It merely discussed the financial consequences which would ensue if Burma were separated from India."

Turning to a second point, I would like to remind the House of what has been the procedure by which we have reached the present position and what that procedure involves for the future. In the first place there were certain recommendations made from India to the Round Table Conference. The Government of Burma themselves suggested a definite procedure for the examination of these financial questions. In paragraph 10 of their letter to the Government of India dated the 13th August, 1930, they said:

"It is believed that by correspondence and negotiation between the two governments it will be possible to reach, not indeed agreement on all points at issue, but an agreed statement of the case, and it is proposed that this agreed statement of the case, or if even this measure of agreement cannot be reached, the views of the two governments, should be laid before a board of neutral or impartial arbitrators."

The Government of India themselves took very much the same view of the situation. The Government of India in paragraph 93 of their constitutional despatch of the 30th September, 1930, wrote as follows:

"It is clear that the separation of the finances of the country will raise extremely difficult issues requiring close expert analysis, in the decision of which it will be essential to hold an even balance between what may be conflicting claims. We agree with the local government that the best method of approaching this difficult problem is to endeavour by mutual cooperation between the Government of India and the Government of Burma to draw up an agreed statement of the case for reference to an impartial tribunal. The subjects requiring settlement will be of a technical nature and would include, besides the normal questions of the adjustment of revenue and expenditure, such matters as the allocation of debt charges and the adjustment of currency arrangements. No constitutional commission can deal satisfactorily with those questions, for its functions would be entirely different, as also its probable methods of inquiry."

So that, both we and the Government of Burma agreed that the best method of dealing with this matter was that the two Governments should endeavour to settle an agreed statement of the case, and that that case should be submitted to an arbitral tribunal. We on our side felt very strongly that the issues involved were so important and that we ourselves were in a somewhat difficult position in arriving at a settlement on points about which it would be impossible for us in all their details to consult the Legislature or to obtain support from public opinion in India; and we therefore felt that it was much to be preferred that the whole matter should as far as possible be decided by an independent arbitral tribunal.

That remains the outstanding feature in the whole situation to-day. From those two despatches which were written before the Round Table Conference assembled, I would turn to the actual recommendations of the Burma Sub-committee of the Round Table Conference. That Sub-Committee practically accepted the recommendations of the Government of India. They said:

"The questions are very difficult and technical and the sub-committee consider that they should be dealt with in the manner recommended by the Government of India in paragraph 93 of their despatch. The sub-committee also recommend that when the case has been thoroughly explored by the experts of the two governments the statements prepared by those experts should be laid before the Standing Finance Committees of the Indian Legislative Assembly and the Burma Legislative Council respectively, and that representatives of these committees should be associated with the experts in the proceedings of the arbitral board."

This is a point to which I would call the special attention of the House,—that the Burma Sub-Committee recommended not only that the experts' statement of the case should be considered by the Standing Finance Committee, but that the two Standing Finance Committees should be actually associated with the proceedings before the arbitral tribunal.

[Sir George Schuster.]

Then lastly in order to make clear exactly what the present position is, I would remind the House of what the Prime Minister said in his speech winding up the Burma Round Table Conference. He said:

"It is on these general lines that His Majesty's Government will be prepared to frame for the approval of Parliament a constitution for Burma separated from India. But the first stage is to ascertain whether the people of Burma endorse the provisional decision that separation should take place. To enable them to take a decision on this matter, they should be aware not only of the general nature of the constitution proposed but also of the financial consequences of separation. The experts' report on the financial problem has already been published. His Majesty's Government will take steps in co-operation with the Government of India and the Government of Burma to press on the consideration of the question to a decision. With this material before them, the people of Burma will be in a position to decide whether or not they are in favour of separation from India. His Majesty's Government consider that the decision might best be taken after a general election in which this particular issue has been placed before the electorate. The life of the present Legislative Council has been extended for a year so that the election must be held before the end of the year."

Now, it is in connection with that that I wish to put to the House the reasons for our considering it necessary to bring forward this motion this session. The House is aware that the Government of Burma will probably hold elections on the lines indicated in the Prime Minister's statement, in October of this year; and they will also appreciate the fact that it is important that when the people of Burma are asked to vote at that election which will be an election for creating a Council which will have to consider the issue of separation,—they will realise that it is most important that the people of Burma should know exactly what the practical consequences of separation will be; and among the most important parts of those practical consequences are the financial consequences. Therefore we feel that if the Government of Burma press us to proceed with the consideration of this financial issue and press also for the setting up of that arbitral tribunal during this Summer, so that its award might be known before the elections in October, we felt that we could not possibly resist: we should indeed be guilty of obstruction if we put ourselves in a position of making it impossible for them to proceed on those lines. Therefore we feel that we may be forced to deal with this financial issue in the course of the Summer months. That being the case, we could not possibly allow this session to close without putting the position before this House. I may inform the House that I took the opportunity of sounding the opinions of members of the Standing Finance Committee on this question, and they all agreed that the Government of India would really be treating the Legislative Assembly in a manner which might be open to serious criticism if they allowed this session to close without bringing this matter forward.

That is the actual position with which we have to deal. I would now remind the House of exactly what has happened on the lines of the procedure which was accepted by the Burma Round Table Conference. Two financial experts, one on behalf of the Government of India and one on behalf of the Government of Burma, were appointed to make a study of the technical issues involved; and the results of that study are embodied in the Report which has been before the House for some time, which we normally refer to now as the Howard-Nixon Report. I would remind the House in that connection that this Report does not purport to be anything more than a statement of the case. It is true that the two financial experts, in their desire to clear the ground as far as possible of controversial issues, went so far as to reach what they have described as an agreement

between themselves on certain issues. But the actual position is that so far as the Government of India are concerned, they are not in the least bound by anything which Mr. Nixon has said or recommended in that Report. The issues on all the points are still entirely open. That Report, I think Honourable Members will agree, is a very clear and I might say, a very excellent Report, and it really does state the issues in a way which under each head brings home exactly what is involved. Following out the procedure recommended by the Round Table Conference, we submitted that Report for consideration by the Standing Finance Committee, and the Standing Finance Committee has submitted its own Report upon it. Those are the documents which are before the House in the matter, and I think that any one who has found time to read those documents will feel that at least the issues are clearly stated.

Now, Sir, the real question is, how far this House wishes to express views now on this question, and I think it might be of value to consider in what way such views could be expressed. Honourable Members can of course, if they so desire, criticise the whole plan of procedure, but I do not really see how any reasonable man could do that. If the basic idea is accepted,—and I believe it is accepted by the Indian public,—that if Burma wants separation, then India should not stand in the way, I find it impossible to imagine a fairer method of procedure than the submission of the financial issues to an absolutely impartial arbitral tribunal. Anyhow, that particular proposal has been before the country since the publication of the Government of India's despatch in 1930, and I personally have not seen any criticism of it. So I think we may fairly take it that, as far as the general procedure is concerned, there is not likely to be any criticism of that.

The second possibility is that Honourable Members might have views to express as to the nature of the arbitral tribunal. If they have, and if this debate should proceed, I can give the House an assurance that we should convey such views to His Majesty's Government to whom we will submit a report of this debate.

Again, as a third possibility, views might be expressed as to the method in which Indian interests should be represented before the tribunal. As to this, we have a definite recommendation already before us made by the Round Table Conference, a recommendation to which I have already referred, that the Members of the Standing Finance Committee should actually be associated with the Government of India's representatives in arguing the case before the tribunal. This again is a suggestion which has been before the public for a long time, and again I have not seen any criticism of it. I think therefore that, I may take it, that this also is accepted as a suitable suggestion by Indian public opinion.

Then as a fourth and last possibility, Honourable Members may wish to express views as to the actual technical issues involved. Here they would have, as I have already said, to guide them the Howard-Nixon Report and the Report of their own Standing Finance Committee. I may remind them again, as I have already done, that the views expressed by Mr. Nixon in this Report in no way commit the Government of India, and I would further remind them that the Standing Finance Committee has in some important respects differed from Mr. Nixon's views, and I would say that the Government of India would certainly take account of the Standing Finance Committee's views in arguing the case before the tribunal. Equally the Government of India would take

[Sir George Schuster.]

account of any views that might be expressed in the course of the debate on the floor of this House. It must, however, I think, be generally admitted that, to secure anything like an exhaustive examination of the actual financial issues, which are involved, in the course of a debate in this Assembly would be extremely difficult. The issues are extremely complicated and we should want a very great deal of time to discuss them, and I think every one would agree that an Assembly of this kind is really not a suitable place in which to attempt to thresh out issues of that kind. So, speaking for myself and the Government, we should attach more importance and think it of more practical value if we were to get an expression of opinion on the other three points to which I have referred. In the long run, if the matter is to be handled, as recommended, by an impartial tribunal, India must rely for getting a fair deal, first on the fairness of the tribunal, and secondly on the efficiency with which Indian representatives argue their case before the tribunal, and I doubt if it will be possible to evolve from a debate in this House anything like an intelligible brief on which those representatives could argue their case.

Now, Sir, although I have dwelt on the difficulties of dealing with the technical issues in a debate in this House, I think it would be right for me just to call the attention of the House to what are the main points involved in those issues. One may say that points on which discussion would have to concentrate may be divided under five heads. There is, first of all, the question of currency, then the question of pensions, then the question of military burdens, fourthly the question of debt, and lastly the consequences on the revenue position of the two countries—though these last are not so much matters for argument as calculations of what will be the result of the settlement on the other four heads.

Now, as regards currency, the question is indeed a very technical one. Honourable Members will find that the subject has been fully reviewed in the Howard-Nixon Report, and that the reporters have considered what should be the conditions which the Government should accept, whichever of the two possible alternatives are adopted,—the two possible alternatives being either firstly that Burma should continue to use Indian currency, or secondly that Burma should decide to create a separate currency system of her own. The Standing Finance Committee in paragraph 4 of their Report have made some observations on this question, and I think they may be said to have stiffened up the directions which would be given to the representatives of the Government of India in arguing the case. Undoubtedly Government will press the point of view embodied in paragraph 4 of the Standing Finance Committee's Report.

Then we come secondly to the question of pensions. That is the biggest point at issue between the representatives of the two Governments. Mr. Nixon on behalf of the Government of India took up an entirely different position to that which Sir Henry Howard on behalf of Burma found it necessary to take up, and there is a great deal of money involved in that particular point. Very briefly, I might put the issue in this way, that Mr. Nixon considered that the Government of Burma should bear a proportionate part of the Government of India's charges in respect of all pensions which had been already earned. Sir Henry Howard thought that Burma should only bear the actual burden of pensions earned

in respect of actual service in Burma. The financial difference involved in that part of the issue is this, that according to Mr. Nixon's calculation which would make Burma bear about 10½ per cent. of the total charges, Burma would pay annuities for a period of 15 years, at a gradually decreasing rate, starting with a payment of 105 lakhs per annum, whereas according to Sir Henry Howard's plan, the initial payment would be only 35 lakhs per annum.

That concerns pensions which have already been earned. There is another possible controversial point as regards Burma's share of part-earned pensions. There if we adopt the principle advocated by Mr. Nixon in respect of pensions which have already been wholly earned, we should stand on the same ground and say that Burma ought to bear 10½ per cent. of the value of the part-earned pensions at the time of separation, and Mr. Nixon has calculated that the capitalised value of those pensions would be something in the neighbourhood of 4½ to 5½ crores of rupees,—that is to say, Burma share in the capitalised value would be that amount. Mr. Nixon has taken the line that Burma might have a reasonable counter-claim against that payment in respect of their share of what I may describe as "unproductive assets". I do not want to go into details on that matter. I am merely referring to it now because that is another point in regard to which the Standing Finance Committee has thought that the advocates of the Government of India's case might take up rather a stiffer line than Mr. Nixon himself had recommended. But I wish to impress upon the House that the allocation of the pensions burden is perhaps the biggest point at issue between the two countries.

Then, as regards military burdens, it is, of course, clear that Burma would have to undertake the actual cost of troops actually employed in Burma. But some members of the Standing Finance Committee have raised a wider issue. They contemplate that the Government's representatives might at least claim some general contribution from Burma on account of the general services of defence which India will render. That is an extremely difficult issue, and I should not like to say more now than that we will see that that point of view is put before the arbitral tribunal.

Then, we come to the question of debt. There Mr. Nixon has taken the line that in attempting to evaluate the debt by the historical method of approach, that is to say, by going back over the whole of the past history and trying to separate out those items of the public debt of India which could be said to have been incurred on behalf of Burma—Mr. Nixon has taken the view that the historical method of approach would be impossible; that in fact, it would be impossible to arrive at a practical result by this method. He has suggested another and much simpler line of dealing with the debt question. He said in the first place that so far as Burma takes over the actual productive assets she should take over the corresponding debt against those assets. That I imagine is a clear proposition to which every one would assent. He then goes on to suggest that as regards that portion of the public debt of India which is not covered by productive assets, Burma should take over a proportion representing Burma's share in the general revenues—both what are now central and provincial—representing Burma's share in the general total revenues of India. That would be a 10½ per cent. share in the so-called unproductive debt, and that would be the same percentage which Mr. Nixon has applied in the case of the pension liability with which

[Sir George Schuster.]

I have already dealt. On that basis the total amount of debt which Burma would take over was at the time when this Report was compiled about 62 crores, and it would be now on the latest figures about Rs. 66½ crores.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Do the pensions include military pensions also?

The Honourable Sir George Schuster: I am now talking about debt. Pensions would of course apply to military pensions also.

On that point there may be room for differences of opinion. Some of the members of the Standing Finance Committee have recorded a dissentient note in which they say that they are not satisfied that the historical method of approach is impossible, and they wish the Government of India to attempt to follow up that method. I imagine they consider that by following up the historical method of approach India would be able to establish a much higher claim than under the method which Mr. Nixon has suggested. I wish to leave the House in no doubt as to what is my own opinion on that matter, and that is, that it would be in practice impossible to establish a satisfactory claim based on the historical method of approach, and I consider that the Indian representatives would be well advised not to attempt to base their claim on arguments of that kind. But, Sir, we must preserve an open mind on this question, and if the representatives of the Standing Finance Committee are to be associated with the Government of India in arguing India's case, then clearly they will have a right to put forward their point of view. I imagine that if we proceed on those lines, there will be many opportunities for preliminary consultation before the arbitration actually starts, and in that case I believe that on further study of the matter, those who now hold the view that the historical method of approach would be possible will be convinced that what we have suggested is the best method. But for the present I confine myself to stating what our view is and I assure the House that the view which some of their representatives have put forward in the Report of the Standing Finance Committee will receive full consideration.

I have now dealt with the four heads of currency, pensions, military burdens and debt, and the fifth head remains,—the consequences of the revenue position. There, according to the figures of 1929-30 on the basis of which Sir Henry Howard and Mr. Nixon made their Report, they worked out that India would on balance be worse off by a sum ranging between 2½ crores and 3½ crores after the separation. The difference between those two figures is really the difference between the alternative methods of dealing with the pension question. That, as a matter of fact, presents the position from our point of view rather worse than it really would be, because if Burma were separated and Burma took over 66 to 70 crores of rupees of India's debt, the provision for reduction and avoidance of debt which we are now making would be reduced proportionately and we should save Rs. 80 lakhs or so under that. The amount of that reduction, whatever it may be, should be taken off the figure of the financial loss in India, namely of the figure between 2½ crores and 3½ crores to which I have already referred. I refrain from giving an exact figure because it would depend on what the amount of the debt was at the time of separation.

That, Sir, very briefly puts before the House what are the main issues involved in this question. Before I conclude, I would like to read to the House one passage from the report of the Burma Sub-Committee of the Round Table Conference which stresses a point which it is important to bear in mind in dealing with this whole question. The Sub-Committee report as follows:

"The Sub-Committee also endorse the view expressed by the Government of India in paragraph 82 of their despatch regarding the great desirability of adjusting the relations between the two countries in a spirit of reason and mutual accommodation so as to avoid as far as possible the ill effects which might arise from so great a change in long established practice".

Now, the point that I want to make is, that in considering the separation of Burma from India, if it is to take place, we should be concerned not only with adjusting matters like our financial relations; we should be concerned with trade agreements and various other matters which will affect the future relations of the two countries, and if the House were to consider now what instructions they would wish to give to their own representatives in arguing the case before the arbitral tribunal, I should trust that they would instruct them somewhat on the lines of the passage which I have just read out. We feel on this side it is most important that this matter should be approached in a spirit of fairness and in a spirit of give and take. It is perfectly possible to argue the case on theoretical grounds and take a so-called firm line and refuse to give way on every single detail; but we are dealing with a very difficult relation, the separation of a large area which has hitherto been treated as a single and indivisible part of the greater whole from which it is being separated, and if we try to be too strict and technical in our methods, I am afraid we may do harm to the future relations between the two countries. Clearly we in the Government of India would instruct our representatives to make the very most of the case. We must be fair to the Indian taxpayers, but I think it is important to put this point because I think it will perhaps help the House to deal with this matter now, if the general feeling is that the matter should be dealt with in a spirit of fairness and give and take. For on that understanding it would become less necessary to give absolutely precise instructions on every point. Therefore, I would wind up by saying this to the House, that the House is not being asked now, if it considers this motion, to express any views on what is or is not a fair settlement. It would be asked to accept the principle that the matter shall be decided by an impartial tribunal and the most that it could do would be to give general instructions to the Government of India as to how they were to argue their case before that tribunal. If the House takes that view and if the House also remembers a feature in the procedure to which I have already several times called attention that according to the recommendations of the Round Table Conference, members of the Standing Finance Committee will be associated with the proceedings, I think, Sir, they may perhaps agree that to have had the matter brought forward in this way at the final stages of this session has not put them into a really embarrassing position, and that they can fairly accept that position after a very short debate.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Sir, I move that the consideration of this motion be postponed till the next Simla Session. I shall confine my speech to the narrow issue about postponement. It is admitted beyond all controversy that this is

[Mr. S. C. Mitra.]

a very important matter and it is clear that it is also contentious, because the Standing Finance Committee was not unanimous. So far as I know, Mr. Aggarwal, Diwan Bahadur Harbilas Sarda and my friend Mr. Gaya Prasad Singh, who is unfortunately absent to-day, have all submitted dissentient notes. I am grateful to the Honourable the Finance Member that he has left it to the decision of the non-official Members whether the consideration should be postponed. The only point that he argued in favour of the consideration at present is that the Burma Local Council will be asked to come to a decision about separation in August, both on financial and political grounds. In this Report we have the views of two experts from the British India side and also from the Burma side. I think we will be prejudicing the issue rather than helping it if this House now goes into a detailed criticism of the particular items for financial settlement. I think the House will be well advised to wait and see what the Burma Legislature decides, and there is no urgency why the House should be asked to come to a decision at present. Sir, I move.

Mr. Jehangir K. Munshi (Burma: Non-European): Mr. President, I rise to support my Honourable friend Mr. S. C. Mitra's amendment that consideration of this motion be postponed to the Simla Session. My first concern is the interest of the province of Burma which I represent in this House; and at the outset I would like to express my gratitude and the gratitude of the province of Burma to my Honourable friend Sir George Schuster on the fair attitude that he has displayed in the course of the debate to-day. He has shown that, so far as he is concerned, he will adopt a fair and reasonable attitude towards my province; and my concern on this question of financial adjustment is the interest of my province and my province alone. Whether the Honourable the Finance Member's attitude pleases all the other sections of the House or not is a matter with which I am not concerned.

Sir, I am at present labouring under a severe handicap, as the official nominated Member from Burma, Mr. R. R. Brown, has gone to England. He naturally would have, if the necessity arose in this House, put the case of the Government of Burma. Then the European representative from Burma, Mr. John Tait, has also gone to England, and he is better qualified to speak on the technical financial aspects of this question than I am; and furthermore my two Burman colleagues are not here; U. Kyaw Myint has gone back to Burma and U. Tun Aung has not been able to attend this session; and I shall find it extremely difficult to shoulder the sole responsibility of tackling this important and difficult question in this House if the debate assumes a technical aspect. So, I support the amendment moved by my Honourable friend Mr. S. C. Mitra mainly on the ground that I have not the assistance and the benefit of the presence of my four colleagues from Burma.

Furthermore, the Burma Legislative Council has not so far had an opportunity of expressing its opinion one way or other on this important question. As a matter of fact, although the question has been before the public for some time, sufficient attention has not been devoted to it in Burma, and I have not been able to ascertain the points which my constituency would like to urge on this important question.

As regards the motion itself, I wish to mention briefly just one point; Mr. Nixon has been blamed by a certain Indian critic and the charge against him is that he has made Burma a gift of something like 50 crores of rupees. Mr. Nixon is quite capable of looking after himself; but as far as my province is concerned, I emphatically repudiate any suggestion that the Howard-Nixon Report gives more to Burma than should have been given. As a matter of fact, representing my province's standpoint, I really must regard Mr. Nixon as a Shylock who has been too hard on my province. (Laughter.) At this stage I do not propose to say anything more on the motion itself, and I do ask the House to help me by supporting my Honourable friend Mr. Mitra's amendment for postponement of the discussion on this motion to the Simla Session. (Applause.)

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I support this motion; and my chief ground for supporting it is that the demands that we have put forward before Burma are rather too small. They have not calculated in this report the amount which we spent on Burma out of our revenue expenditure from year to year. Of course that is the way in which we can calculate it over a series of past years. We have been pressing this all this time, and until this is done I do not know whether we can actually calculate the amount which we have been spending out of our revenue during the last so many years. The second point which we have not thoroughly calculated concerns the military expenditure. We must have a fair share from Burma in connection with all the military expenditure that we have been incurring all these years, and this calculation has not yet been done. The third point is that it is also desirable that we should have some kind of fiscal relationship between Burma and India, and this is a very important point; that is, that if we have these customs barriers between these two countries just as they are having between the smaller countries of Central Europe, then it will be to the mutual disadvantage of both. This is a point which ought to have been considered. I take this opportunity, when we are saying good-bye to the Honourable the Leader of this House and when he is now going to represent us at the Ottawa Conference, of suggesting to him that one point which he may remember is that if we consider every country to be a single unit, then the problem of customs will become very complicated. Customs may be looked upon from two points of view,—either as a measure of protection of industry to a country, or as a revenue-yielding proposition. For protection levying customs duty is all right, but if you consider it as a revenue-yielding proposition, then you will have to consider the desirability of having a much larger unit. I would of course very much like to have the whole world as a single unit . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola): Order, order. The Honourable Member is going into the merits, and it is very nearly 5 o'clock. I should like to know whether the House desires to discuss not only the motion for the adjournment of the debate but to go into the merits of the whole question which has been put before the House by the Honourable the Finance Member. In that case the Chair will adjourn the House till to-morrow.

Dr. Ziauddin Ahmad: I shall finish in one minute. Sir . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola): I do not want the Honourable Member to finish: if the House decides to go into the merits of the case, then the debate cannot obviously be finished to-day. But if the House generally agrees to postpone consideration till the Simla Session, then we can finish to-day. The Chair wishes to know—it is nearly 5 o'clock now—as to what the wishes of the House are.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): We want the discussion to be postponed to the Simla Session.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, everybody directly or indirectly wants to discuss the merits of the case, but there can be no real discussion now?

The Honourable Sir George Rainy (Leader of the House): Sir, if the House is really anxious for an immediate decision, I suggest that some Member might move the closure.

An Honourable Member: I move that the question be now put.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair cannot accept the closure because there has not been a fair debate. The Chair wishes to know what the general feeling in the House is.

Sir Abdur Rahim: Sir, if the Government are going to oppose this motion for postponement, then we should like to debate it. But if the Government accept the motion, then there is no difficulty.

The Honourable Sir George Schuster: I made it quite clear, Sir, that the Government certainly would not oppose a motion for postponement, but at the same time in making that clear I tried to make the House understand what might have to be done in the course of the Summer and what is involved in refusing to discuss the matter now. We put ourselves entirely in the hands of the House in the matter.

Mr. Muhammad Yamin Khan: Whatever, Sir, has been said up to now has not made it very clear as to why exactly it should be postponed. Of course some Honourable Members have raised the plea that they have not studied the question properly. That may be good ground. I find of course that there are certain Members who have not yet studied this question thoroughly and are very anxious to postpone consideration; but unless we find that there is something more which can be said on the point, we can decide one way or the other.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable the Finance Member has made his position quite clear, which is that he welcomes a full discussion either to-day or tomorrow, if the House desires to discuss this matter. If, however, a postponement is decided upon, then I understood the Honourable the Finance Member to say that Government intend to proceed during the Summer months with the appointment of arbitrators. Is that the position?

The Honourable Sir George Schuster: The point is, Sir, that we may be forced to a particular course: it is not for us to decide, it is for His Majesty's Government to decide.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): I would suggest, Sir, that it is much better to proceed with the discussion, because the object of any such adjournment will also be served.

Sir Abdur Rahim: I think, Sir, that the motion ought to be discussed, especially as the Honourable the Finance Member says that the Government will go on with the appointment of arbitrators,—whether the whole question should not be postponed till the September Session?

Mr. President (The Honourable Sir Ibrahim Rahimtoola): If that is the Government's position, the Chair will adjourn the House till Eleven of the Clock tomorrow. If the Government's position is that the *status quo* will be maintained and that nothing will be done in the meantime till the House discusses it at the next Simla session, then I take it that the House wishes to postpone it. If Government intend to proceed with measures of arbitration and otherwise, by which the country might be committed to certain things, then the non-official section of the House desires a discussion immediately. It is for Government to decide what course they wish to be adopted.

The Honourable Sir George Schuster: I think I made it quite clear, Sir, that the power of settling this matter does not rest with us. If we could meet the wishes of the House, we should be very glad to maintain the *status quo* and let this matter rest over till September; but His Majesty's Government are anxious that the financial issue should be cleared up before the elections take place in Burma for the new Council which will have to decide the separation issue. I am not in a position to say whether arbitration will actually be set on foot before September, but I have thought it right to tell the House that it is quite possible that that might be the case and we should have no power to stop it. That is our position.

Mr. President: I take it that the House wishes to discuss the subject and the Chair will have to adjourn the meeting till 11 o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 6th April, 1932.

LEGISLATIVE ASSEMBLY.

Wednesday, 6th April, 1932.

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

QUESTION AND ANSWER.

EMPLOYMENT OF MUSLIMS IN THE EAST INDIAN RAILWAY.

1117. ***Dr. Ziauddin Ahmad:** Are Government aware that Sir Hasan Suhrawardy submitted a memorandum to the Railway Court of Inquiry regarding the present position of Muslim employment in the East Indian Railway? Was the memorandum considered by the Court of Inquiry? If so, what was its decision?

The Honourable Sir Joseph Bore: The reply to the first part is in the affirmative. The Government of India presume that the Court considered the memorandum to the extent to which its contents were relevant to the inquiry. The findings of the Court on the issues referred to it by Government will be found at paragraphs 388 to 412 of the Report, a copy of which is in the Library of the House.

Dr. Ziauddin Ahmad: I read the Report of the Court of Inquiry, but I find there is no reference anywhere to the contents of this particular document.

The Honourable Sir Joseph Bore: Nor have I been able to find any reference.

Dr. Ziauddin Ahmad: So, practically the memorandum was not considered.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: The following message has been received from the Secretary of the Council of State:

"I am directed to inform you that the Council of State has, at its meeting held on the 5th April, 1932, agreed without any amendments to the Bill to supplement the Bengal Criminal Law Amendment Act, 1930, which was passed by the Legislative Assembly at its meeting held on the 30th March 1932."

DEATH OF SIR BOMANJI DALAL.

The Honourable Sir George Rainy (Leader of the House): Sir, it has fallen to my lot during the last two years on a number of occasions to refer to the death of present or former Members of this House. But I

[Sir George Rainy.]

little thought that on the last occasion on which I shall sit in this House it would fall to me yet once again to perform the same melancholy duty. All Members must have heard with the greatest possible regret of the death of Sir Bomanji Dalal who for eight years was a most respected Member of this House and one who, I think I may say, was personally beloved by Members in all sections of the House. I had no personal acquaintance with Sir Bomanji Dalal until I became a Member of the Assembly, but from the time I first joined, I always found him a most friendly counsellor and a Member of the House who was widely influential and who could therefore in times of difficulty often give helpful advice. It is well known that in his own home he took an active interest in agriculture, and at his own expense he introduced valuable experiments and took an active part in promoting colonization and development in unbroken areas. Those of us who were Members of this House some three years ago, will recollect that he was the only Member who was so unfortunate on the occasion, when the bombs were thrown in this House, as to receive personal injury; and it is at any rate a satisfaction to know, and I believe it is so, that the injury he then received was in no way responsible for his death. I feel, Mr. President—I always feel—that to multiply words on these occasions serves no purpose, but I shall always miss Sir Bomanji Dalal with the feeling that I have lost a personal friend. I am sure, Mr. President, the House will wish that you should communicate to his relatives their deep sympathy and regret.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): I rise to associate my party and myself with the observations made by the Honourable the Leader of the House about the mournful and sorrowful passing away of Sir Bomanji Dalal. Sir, he was a gentleman from top to toe and everyone on this side of the House who came in contact with him learnt to love him and to admire him and to respect him. His quiet dignity and his frequent entertainment of friends at social functions revealed to us that we had in him a very good friend and not merely an excellent counsellor. We all deeply mourn his loss and sympathise with the bereaved family in their sorrow.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Sir, I never had the privilege of personal acquaintance with Sir Bomanji Dalal, but I have no hesitation in associating myself whole-heartedly with what has fallen from the Leader of the House.

Mr. Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Sir, I am very sorry to hear just now of the death of my old friend, Sir Bomanji Dalal. He was a great figure in this House for many many years. His genial spirit and his great entertainments which he used to give here were well known to all the Members of the Legislature. Only in the last Assembly we found that he was one of the victims who suffered from the bombs which were thrown in this House. Even after the injuries he received, he showed a great spirit of courage and he was cheerful throughout when we saw him in the hospital. His place had been taken by one of his cousins, Dr. Dalal, and though we always welcome Dr. Dalal, we certainly missed Sir Bomanji in the present House greatly. I do not find adequate words to express the sorrow which I felt when I just heard, as soon as I came up to my seat, that Sir Bomanji passed away. With these words, I associate myself and my party with what the previous speakers have said about him.

Mr. J. Ramsay Scott (United Provinces: European): The European Group wish to be associated with the condolences which will be sent to the relatives of Sir Bomanji Dalal. I personally have not had the pleasure of knowing Sir Bomanji, but some of my group have had, and I feel certain that they will miss him much, now that he is gone.

Lieut.-Colonel Sir Henry Gidney (Nominated Non-Official): Sir, as an old and personal friend of the late Sir Bomanji Dalal, I rise to associate myself with all the sentiments that have been expressed in this House. I had the privilege of knowing him in the early days of this Assembly till the day he left it. I can recall to memory that day when bombs were thrown in this House, the wonderful courage and spirit displayed by him in utter disregard of his own injuries and his concern for others who were wounded. This House possessed in the late Sir Bomanji a not frequent speaker, but as the Honourable the Leader of the House said, a true counsellor and a genial friend whom every one respected. I echo the sentiments that have been expressed by my friend Mr. Ranga Iyer when he described the late Sir Bomanji Dalal as a gentleman from top to toe and it is with great pain and grief that I mourn the loss of my dear friend, Sir Bomanji Dalal.

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Chair wishes to associate itself with all that has fallen from Honourable Members, and wishes to join in the sentiments which have been expressed on the lamentable loss which has been sustained. The Chair will communicate to the relatives of the deceased the unanimous feeling of sorrow and sympathy to which the House has given expression.

STATEMENT LAID ON THE TABLE.

UNDISTRIBUTED CREDIT BALANCE OF A DRIVER IN A MULE CORPS.

Mr. J. R. Blair (Government of India: Nominated Official): Sir, I lay on the table, a statement giving the information promised in reply to starred question No. 1083 asked by Mr. S. C. Mitra on the 30th March, 1932, regarding undischarged credit balance due to Driver 431 of the 37th Mule Corps.

I presume that the Honourable Member is referring to undischarged credit balances due for services rendered during the Great War and Waziristan Operations 1919-24. If my presumption is correct, the answer to his question is as follows:

(a) Yes, but obviously identity has to be established.

(b) Yes.

(c) None can be traced.

(d), (e) and (f). In 1928 inquiries were made through the Deputy Commissioner, Rawalpindi, who reported that the relatives of a driver of the same name stated that the man had died on service. It was established that this was not the man to whom money was due, and no further inquiries were made until January, 1932, when a claim was received through a third party empowered to receive payment. Before making any payment, the Officer-in-Charge, Records, satisfied himself as to the genuineness of the claim.

(g) Balances must be retained until claims are established. Entitled persons who bring their claims to the notice of civil officials, commanding and recruiting officers and District Soldiers' Boards should not ordinarily require to employ paid agents. Payment has been made to agents only in cases where the civil authorities have been unable to trace the person entitled to the credit balance.

(h) Since the publication of Army Instruction (India) No. A-16 of 1927, a total sum of Rs. 6,22,145-0-10 has been paid out. Of this, only Rs. 1,991-7-3, have been paid through a third party.

REPORT ON FINANCIAL QUESTIONS ARISING OUT OF THE PROPOSED SEPARATION OF BURMA FROM INDIA—contd.

Mr. President: Further consideration of the motion* and amendment.†

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I was supporting this motion for postponement, and as I said yesterday, I do not like to enter into any details of the various proposals, but shall confine myself to mere general observations; and in case the motion is not accepted, then I hope that I will be able to enter into various details. . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member should address the House on both the motion and the amendment. There cannot be two discussions.

Dr. Ziauddin Ahmad: Then I will take my chance. The next thing that I should like to make quite clear is that, by my participating in this discussion, I should not be assumed or misunderstood as being in favour of separation. In fact I am neither in favour of separation nor against it. But I believe that this is a question for the Burmans to decide, and not for the people of India or for the Legislative Assembly; but I do maintain that if artificial propaganda is carried on, then we Members of the Assembly ought to resent it. The first thing that I should like to consider is the question of the customs between Burma and India. In this connection. . . .

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The Honourable Member cannot go into the question of the separation of Burma on this motion. The only issue before the House is the financial adjustments between Burma and India if separation materialises by the vote of the Burma Legislative Council. That is the issue before the House, and the amendment is that the House should postpone consideration till the next session in Simla. The question of separation of Burma is not relevant to the present discussion.

Dr. Ziauddin Ahmad: In case Burma is separated from India, I should like to mention one or two indispensable conditions which must be laid down before we can agree to the separation, and that is the only point which is the subject matter of the Nixon-Howard scheme, under what conditions financially we should agree to it.

*"That the Report of the Standing Finance Committee on financial questions arising out of the proposed separation of Burma from India be taken into consideration."

†"That the consideration of this motion be postponed till the next Simla Session."

Mr. President (The Honourable Sir Ibrahim Rahimtoola): The question is what should be the financial adjustments between India and Burma if Burma decides to separate.

Dr. Ziauddin Ahmad: I am just taking up those financial adjustments. The first question that I should like to take up is the question of currency. That is really an important thing. I maintain and am very strongly in favour of the arrangement that the Government of India should continue to be the currency authority both for India and for Burma, until such time as our dues are paid up and until some better arrangements may be found; and in case the Reserve Bank is established, then the Reserve Bank should be the currency authority and it should have a special branch at Rangoon for carrying on the business. Until such time, the Imperial Bank may carry on the work on behalf of the Government of India. But I consider it is rather important that the currency policy should be one for both countries. That, I think, is one of the financial adjustments which we should have before we can agree to any separation.

The second thing which is referred to in this question is about the allocation of debts. I believe that the calculations have omitted certain very important items, and they ought to be included; and the amount of charge now shown is much less than really we ought to claim. They have only allocated the present debts of the Government of India; but I think they should have included not only the expenditure we have incurred out of our revenue accounts, but the money actually spent in Burma during the first and second Burmese wars and also the overhead charges, by which I mean the maintenance of the Government of India and the charges for the maintenance of the Secretary of State and his office. All these things have to be calculated and they ought to be debited to the account of Burma; and for this purpose as my friend, Mr. Raju, suggested in the Finance Committee a historical approach is unavoidable; though it may be difficult, still we have to calculate some figures which may be accepted by us; and it is therefore desirable to have a historical approach and calculate the expenditure we have incurred on Burma as well as the overhead charges since Burma came into India. This figure will be much bigger and it is one of the reasons for which I am going to support the motion of my Honourable friend Mr. Mitra, because this calculation is exceedingly desirable and perhaps it may be ready by the time we meet at Simla.

Another question is the question of pensions. This also is not a very simple matter and I think the recommendations involved in the Nixon Report do not go far enough; still we can have some kind of adjustment of this particular question. We started with the suggestion that all these persons who are now serving in India irrespective of the fact whether they have their service in Burma years before, we may take them and be responsible for all the pensions that may accrue in future. Similarly Burma may be responsible for the pensions of persons who are now serving in Burma irrespective of the fact whether they served partly in Burma and partly in India. But the calculation of pensions of persons who have served partly in Burma and partly in India depending on the length of service may be difficult. Therefore this is a thing which requires more careful consideration, and this is another reason why I support the motion for postponement.

My next argument is on the question of defence. This point was also raised by the Finance Member. I notice that practically all our income

[Dr. Ziauddin Ahmad.]

from Customs is equivalent to our expenditure on the Army approximately; and I also notice that if you take the figures of customs receipts in Burma alone, they come to about one-fifteenth of the total income derived from Customs in all the ports of India. Therefore we can make adjustment in either of two ways: either India may take the responsibility of the entire Army and may give such Army as may be necessary for the internal administration in Burma; but in that case India should have complete control of Customs duties in Burma and all the customs collected in Burma should come to India. The second method of adjustment, which is also to be calculated and which we cannot hurry over is this: that the Customs may be realised by the Government of Burma and they should, by some mutual agreement, pay us a certain amount of money for the maintenance of Burma. It is really to the mutual advantage of both Burma and India if we pool together in matters of defence. If an Army is maintained for the defence of Burma from India, or if an Army is maintained in India for the defence of India expecting a possible attack from Burma on India, then expenditure for both countries will be very high. Therefore, it would be to our advantage to pool together in matters of defence, and the two methods which I have suggested may be considered carefully by the time we meet in Simla. If we pool together in matters of defence, then both India and Burma would be mutually responsible for the defence of either country.

Then the last point is the question of customs. If these two countries are separated, then there ought to be no customs between India and Burma. This will also be to the mutual advantage of both countries. We may pool together in customs and in defence, and both countries will be benefited by this arrangement. Here I may say that there are two kinds of Customs duties, one is for the sake of protection like the duty on wheat. The income for this duty is practically nil. The same is the case with regard to the duty on sugar. But there are also other duties called the revenue-yielding duties, and in this case it is very desirable that we should, if possible, take the whole world as one unit and adopt free trade, and if that is not possible, the next unit which we will have to consider is the unit of the British Empire. That might be taken to be the unit, and I hope in the Ottawa Conference the Honourable the Leader of the House will consider the question and put forward a claim. We know that 55 per cent. of our articles are imported from the British Empire and 45 per cent. come from outside the British Empire, and if the whole of the British Empire forms one unit as regards Customs duties, it will be to the mutual advantage of the countries forming part of the British Empire. At this stage we should very much like that Burma and India should form one unit and there ought not to be any customs barrier. Therefore, this is a point which has to be very carefully considered when discussing the Nixon-Howard Report, and the broader question of the British Empire forming one unit can be discussed at the Ottawa Conference.

Before closing my observations, Sir, I should like to say a few words as this is perhaps the last occasion when we can meet the Honourable the Leader of the House. I want to pay my tribute to the services which he has rendered to this House and also to individual Members and when he leaves the shores of this country, I hope he will remember us and will continue to render his help and advice to this country, and that he

Diwan Bahadur Harbilas Sarda (Ajmer-Merwara: General): Sir, the matter of this motion is of very great importance. It is very complex and controversial in character, so controversial that the decision will have to be taken not by an agreed conclusion between the two countries but by a third party. The matter is also one for financial experts to decide. The Standing Finance Committee have considered the matter, and some of us have appended a separate note to it to stress some of the more important points which should be considered by Government. In fairness to ourselves and to all, I must say that the matter can be properly handled only by financial experts, and the Report of the Standing Finance Committee in so far as it represents the views of the non-official Members and our separate note, do not represent Indian expert opinion. The Honourable the Finance Member has said that this matter does not lie entirely in the hands of the Government of India, but in those of the British Government. That being so, the case for India and Burma will have to be placed before a tribunal which will have to be appointed either by the British Government or by agreement of the two parties. The Government of India have not stated what their views are and what case they are going to put before the tribunal. The case for India which should be put before the tribunal would be the case for the people of India, because it is the people of India who would eventually have to bear the burden of the decision which the tribunal will arrive at. It appears to me, therefore, that in order to settle this matter properly, Government should appoint a committee of Indian experts consisting of two or three people like Sir Purshotamdas Thakurdas, who would consider the matter, investigate the entire question and come to a decision, and that decision should be submitted in the form of a brief which should be handed over to the counsel who will argue the Government of India's case before the tribunal. I am sure Government will accept the decision and the conclusions which the Indian experts will arrive at because the interests of the Government of India and of the people of India in this matter are identical. I am of opinion that the Government should entrust this matter to two or three Indian financial experts and take their opinion and place that opinion before this House. If however there is not enough time for it and the tribunal is appointed in the meantime, and that tribunal proceeds to consider the matter, then the opinion of the experts and the final instructions of the Government of India should be placed in the hands of the counsel who will argue India's case before the tribunal and he should be asked to do so on the strength of the facts which are placed in his hands.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, we are discussing a hypothetical question. It is seldom that this House discusses hypothetical questions but the Honourable the Finance Member made it clear that his hands are tied in this matter as were the hands tied of the Indian members of the Conference at the Round Table Conference in London. So we have to express our opinion on a hypothetical question—in case such and such a thing would happen, how the financial relations between Burma and India should be adjusted. When I express my views about the adjustment of financial relations, whatever views I have expressed before on the other aspects of the question relating to the separation of Burma, I stand by the same.

Sir, before I go into the merits of the question, let me say I was surprised to find my friend Dr. Ziauddin Ahmad bringing out extraneous matters like the Ottawa Conference, the Imperial Conference and Free Trade,

[Mr. B. Das.]

which do not arise when we are considering the problem about the financial adjustment of the future Burma and future India. If they will be separated, Burma will be a sovereign country and India too will be a sovereign country and their trade and commercial relations would be adjusted according to their commercial exigencies, by their sovereign Legislatures. Nobody wants that India should separate from Burma, nor Burma should separate from India; nor does India want to separate from the Empire. But if Burma is separated from India by Britain, I will wish Burma good luck. When my friend the Honourable the Finance Member spoke yesterday, he was labouring under certain difficulties as most of us are labouring under similar difficulties. The Honourable the Finance Member pointed out three courses open to the House; one was to discuss the matter fully to-day, the second was to adjourn the question, and the third was to express our views about the difficulties that Members feel, and then the question can be adjourned till the next session. Sir, I adhere to the third course suggested by my Honourable friend, the Finance Member. I am equally labouring under difficulties and I shall point out certain difficulties which will have to be solved if the grand Moghul in London appoints an arbitral tribunal to settle the financial relations between India and Burma. Whether the grand Moghul will be allowed by the members of the Round Table Conference to do that, I am not concerned at present.

Sir, my Honourable friend Mr. Munshi was rather hard on my friend Mr. Nixon. He mentioned that Mr. Nixon had been a Shylock, and that he had been very hard on Burma. The difficulty that I find is that there are seven or eight opinions about the adjustment of the financial relations between Burma and India current in the public press. There is the extreme view of Sir Henry Howard, who does not want to concede anything to India, who rather adopts the line of the Congress and wants to repudiate all financial responsibilities to India and even debts to India. Then there is the middle course which my Honourable friend Mr. Nixon has adopted. He has tried to apply his mind as best as he could and he does not want to go into the historical analysis of the situation. He has suggested a mid-way and he has assessed the debt position at Rs. 66 crores. Then the Standing Finance Committee considered it and they came to two different views. One view was urged by my Honourable friend Mr. Raju, and three other members afterwards signed a minute of dissent on those lines, and the other view was expressed by the main Committee. The four gentlemen stick to the idea that the historical analysis should be followed up. Then, there are two other views that are public property not only in India but in England. It is the Report on the financial obligations between Great Britain and India which was made by three financial experts of the Congress Select Committee appointed by the Indian National Congress. My Honourable friend the Finance Member the other day quoted in his Budget speech from Mr. K. T. Shah's "Federal Finance of India", and Mr. Shah, in his minute of dissent which is to be found in volume 2 of the Report of the Congress Select Committee, has put the figure at Rs. 100 crores as public debt against Burma, while the majority of the Congress Committee has assessed it at Rs. 80 crores. I do not know if my friend Mr. Nixon has had access to these Reports. I am glad to know that he has seen them, and I hope that he will agree with Mr. Shah's findings. These are difficulties which can be solved by an arbitral tribunal. But

who will appoint the tribunal? Not the Secretary of State, not Great Britain. The fact is that the Congress Committee has found that part of the debt should be a charge on England. Then how can Great Britain appoint an arbitral tribunal, which will go and decide against Great Britain herself? So, I would suggest if there is to be an arbitral tribunal, it should be appointed by the League of Nations, and there should be a representative of Great Britain, a representative of India and a representative of Burma on it. In that case the different aspects of the question can be examined and all fears, suspicions and apprehensions can be met, and the findings of the Chairman of that tribunal would be acceptable to us.

When I read this Howard-Nixon memorandum, I was faced with certain difficulties. I find at page 4:

"The proportions of gold, securities and silver receivable by the Government of Burma would have been approximately—

Gold 21 per cent.
Sterling securities 30 per cent.
Indian securities 11 per cent.
Silver, 38 per cent."

If Burma's revenue is 10½ per cent. of the total revenue of India, I cannot understand why Burma should expect a 21 per cent. share of the gold reserves or 38 per cent. of silver. I am not concerned with the question of separation, but I do not agree with that part of the recommendation that if Burma is separated the two countries should have a combined currency or should have a combined Reserve Bank. It will create a lot of bad blood and friction if the two countries are not directly responsible to a central authority, if they have to operate on the same bank and operate on the same currency. I cannot understand the logic of Sir Henry Howard when he wants to pay only 5 per cent. of the pensionary charges, and at the same time claims 21 per cent. of the gold reserves. I think there must be equity. If the representatives of the Burmese Government do not want to pay the other obligations to the same extent, then why should they claim on the reserves so much? There is another thing. The Standing Finance Committee has not expressed its final view on the military charges. If separation be a settled fact, as Mr. Ramsay MacDonald has said elsewhere, then I do not understand why India should bear any responsibility for the defence of Burma.

Mr. S. C. Mitra: It should be borne by the English Exchequer.

Mr. B. Das: The military expenditure of India should be reduced by 10½ per cent. at least, if not more. As I understand the military charges of India, half of them are on the Western frontier and the other half on the Eastern frontier. Considering the frontier that Burma has, I think that Burma should bear 20 or 30 per cent. of the present military charges, because a good deal of money is spent on the Eastern frontier. Therefore, I say that the Chairman of the tribunal should be an independent man who does not belong to the British Empire, because at every stage the interest of Great Britain comes in, and knowing as I do that Burma, if she is separated, will have to run her administration at a serious loss for years and years. We have run the administration of Burma for many years at a loss, and we will not grudge it if she continues to remain as

[Mr. B. Das.]

part of British India. But if she is to be separated, Great Britain will have to bear all future losses and all obligations and not India. As we object to the Indian Army being transferred to the Chinese frontier or the Egyptian frontier, or anywhere else in case there is war in any other portion of the globe, without our specific sanction and approval, so we will not like Indian armies to go and defend Burma or the Burmese frontiers. Burma will be a separate entity then like South Africa or any of the British Colonies and we will be only tied together through the silken Imperial tie or through the League of Nations. I recognise that Burma has great religious ties with India. Burma is entirely a Buddhist country, and for centuries the sons and daughters of Burma will look to Budh Gaya as their sacred place for religious and cultural inspirations. If there is separation, let it be peaceful and harmonious and let the financial adjustment be done in justice and equity. Let it not be in the interest of the poorer member which is to-day forced to be separated through high Imperial policy and I trust that the authority which will preside over the destinies of India and Burma would so assess the debt position in a manner which will be fair to both countries and India will not be asked to forego money spent on account of Burma or Great Britain.

My friend Mr. Harbilas Sarda suggested that Sir Purshotamdas Thakurdas and other experts from India should give their opinion. My friend Sir Purshotamdas Thakurdas, being a member of the Round Table Conference, cannot very well be an independent arbitrator at present, and so I think my original suggestion will be the best for the settlement and adjustment of financial relations. The Standing Finance Committee made certain mention of tariffs and my Honourable friend Dr. Ziauddin talked glibly of free trade, which is indirectly a pressure on Burma. I have made my position clear. No pressure should be applied on either country and India will not ask for any "most favoured" treatment from Burma. For long India will consume Burma rice and teakwood and other timbers. (An Honourable Member: "and kerosine oil.") Of course kerosine oil to-day has an excise duty, and probably next year the excise duty will equalise the import duty, and if separation comes, it will be surely equalised. That situation does not arise and India will also supply Burma with steel and other articles of Indian manufacture. I do not want any favoured treatment for Burma on the tariff matter, nor would I suggest that Burma should ask the Government for that. If the two countries enjoy equal status, Dominion Status, then the two countries can negotiate for favoured treatment like what Canada does to-day with Germany and Japan, and what Australia or South Africa do with sovereign nations but if Burma is not created sovereign State and asks Great Britain for favoured treatment, we will also be asked by Great Britain to show similar favours to Burma and that will create other difficulties and raise other complications. These are some of the difficulties which are facing me. My friends may raise other points in regard to difficulties facing them, and if the British Government are going to settle everything in their own way, let them at least appoint as Chairman of the tribunal some one from outside the British Empire.

Mr. B. Sitaramaraju (Ganjam cum Vizagapatam: Non-Muhammadan Rural): I was on the Standing Finance Committee and was one of the signatories of this Report, and I thought it desirable that I should make

one or two matters clear and submit a little explanation before the House on the five specific points raised by the Honourable the Finance Member so that this House may give such direction as it may think proper for the representatives of the Standing Finance Committee in accordance with the wishes of the Round Table Conference to submit their case. At the very outset, it must be stated that the question of Burma separation was not in issue before the Standing Finance Committee, and it is not in issue here either. That issue of separation has been eluding our grasp. There is another question which is intimately connected with the question of separation and which is in the nature of a financial obligation. That is the question of Madras. Madras has by Andhra labour and Chetty gold made Burma what it is and it is very important to know to what extent money has been invested by the Chetties of Madras in Burma. I am told it approximates to 80 crores and when the question of financial obligations is considered, I think it might be desirable to have some sort of assurance or safeguards for those who have invested large sums of money in that country. The matter that was referred to the Standing Finance Committee was as to how the financial obligations between the two countries should be taken up from the point of view of the Governments of both countries. In that light, the Howard-Nixon Memorandum was prepared. I must confess that we were not financial experts on the Standing Finance Committee. With our knowledge we might have made mistakes. If mistakes were made, they were made unintentionally. We were guided by the points raised in the Howard-Nixon Memorandum and we thought that the approach of that subject from the point of view of the two Governments in its adjustment of financial obligations should be approached as was shown by the Howard-Nixon Memorandum. Accordingly we proceeded on that Memorandum. There was some difference of opinion on some issues but on the whole it was a fairly unanimous Report. I should say. The questions which engaged our attention and which also showed that there was some difference of opinion were the question of the historical approach. The other was the financial obligations with the maintenance of the Army in India, and the third was about the pensions. With regard to the historical approach, I would like to refer to this paragraph:

"The Committee was not in a position to arrive at any definite conclusion on the question whether it is possible to make a historical analysis of the elements composing the public debt in order to calculate Burma's liability to India in the matter of the so-called 'unproductive' debt."

To this I expressed my dissent which is found in the footnote which was referred to by my Honourable friend Mr. Das. I thought that such a historical approach was possible, but in all fairness to Government, it must be said one formidable argument that was brought to bear upon that question against the view that I then took and I still take was that the question of going into this historical approach was largely complicated by the exchange. Sometimes the exchange was at Rs. 10 a pound and sometimes Rs. 15 a pound. Then, Sir, some difficulty was expressed on the part of the Government in making that historical approach that it might not be possible to go into that record because, even in the records which were available to the Government of India, there were statistics which were sometimes shown under pounds and sometimes under rupees and on account of that, complication with the exchange question, the exchange being at various rates, it was contended on behalf of the Government that such a historical approach was not possible

Dr. Ziauddin Ahmad: Can you not show pounds and rupees separately?

Mr. B. Sitaramaraju: I am simply putting forward the view of the Government as to why they thought a historical approach was not possible. That was, as I said, the only formidable argument that could be brought to bear upon that question. Now considering the announcement made by Mr. Shah in the Congress memorandum referred to by Mr. Das, and considering also that those periods were specific periods when exchange was at certain periods at Rs. 10 and at certain other periods at Rs. 15, I thought it was quite possible, since those periods were specific, that we could approach that question from the historical point of view and thus be able to see how far we have incurred expenses on account of Burma and how much Burma is liable to pay under those conditions. That was one question which this Assembly in giving a direction to the Standing Finance Committee might consider. If they think that it is quite possible for a historical approach to be made notwithstanding that objection that the exchange situation has complicated matters, I think a specific direction should be given to its representative to press that point before the impartial tribunal.

The second question on which some difference of opinion was expressed by some Members who appended a note concerned the military charges. Sir, this particular paragraph on the military charges in the Standing Finance Committee's Report runs as follows:

"15. It is of course accepted that Burma must bear the cost of any military garrison to be maintained in Burma and that this garrison must be maintained at sufficient strength to provide for all the normal requirements of Burma. The Committee particularly having regard to the uncertainty as to the future constitutional position in the matter of the defence of India did not feel able to make any final recommendations on the wider issue as to whether beyond this Burma ought to contribute to the general cost of the Army to be maintained in India, but it recognized that there might be grounds on which such a contribution might be demanded."

Sir, that was the recommendation of the Standing Finance Committee. In their minute of dissent some Honourable Members have expressed the view that a contribution should be levied from England and also that a portion of that contribution should be borne by Burma as the Army maintained in India is an Imperial Army. Sir, that possibility was not excluded in the paragraph I refer to, but some explanation is necessary for me to explain the point. If there was any mistake in making any recommendation on behalf of the Standing Finance Committee, I take the full responsibility because the original draft was in accordance with the minute, but I requested the Standing Finance Committee to consider it in its present form and it was approved namely, that as the constitutional position of India is still uncertain, we do not know what shape the future control of the English Army in India will take. If we were to say that the Imperial Government should bear a portion of the cost, then it could reasonably be contended that the Imperial Government should have control over that expenditure and over that Army; but in view of the fact that it is our earnest desire that we should assume complete control over the military expenditure, and in view of the uncertainty of the future constitution, we thought that question might not now be decided. Further, there was no question of India bearing any portion of Burma's share of the cost. It will be seen from the Howard-Nixon Memorandum, that Burma said that she would be satisfied with the cost of about Rs. 2 crores on the score of its defence, but, Sir, we have been spending several crores of

rupees on army purposes,—so at the rate of 2 crores of rupees for Burma, the ordinary cost for the whole of India on account of the Army would be something like 17 crores of rupees only—a cost which was once considered to be adequate by Lord Ripon's Government. But since we are spending so much money now, the question arises whether all this expenditure on army purposes is being incurred for India's sole benefit and sole interest. It is not so; and therefore the extra cost should either be chucked out and our cost should be reduced on the analogy of Burma, or, if it is to be carried as an Imperial charge here, then somebody else must be got to pay for it; and therefore, Sir, in that light I request that the House may consider this paragraph, and they will, I submit, find that all possible objections can be met by the wording of the paragraph itself. So far as the Congress is concerned, it is not my desire to go into this Congress memorandum at great length, because the whole question was reviewed here in the Report of the Committee on financial obligations presented by the Congress, at great length. The majority of that Committee were of the opinion that it is not Burma but England which has got to pay for all these things, because it is really for Imperial purposes that the whole cost arising on the conquest of Burma has been incurred. I consider that, having regard to the fact that Honourable gentlemen have not yet come forward with any definite recommendation with regard to the specific points raised, there is a great necessity for this debate to be adjourned to the Simla Session to enable Honourable Members to have the specific points specifically raised before the House in the shape of specific motions, and then give directions on them. Otherwise it would be impracticable for any directions to be given now on all the five points together, because honest differences of opinion may be expected on some of these points. Therefore I submit that it is desirable that we should postpone the debate of this subject till the Simla Session.

Sir Abdur Rahim (Calcutta and Suburbs: Muhammadan Urban): Mr. President, I support the motion of my Honourable friend, Mr. Mitra, that the consideration of this memorandum, which has been described as the Howard-Nixon Memorandum, should be postponed till the Simla Session.

The Honourable Sir George Schuster (Finance Member): May I remind the Honourable Member that the motion is not for consideration of the Howard-Nixon Memorandum but for consideration of the Standing Finance Committee's Report on that Memorandum.

Sir Abdur Rahim: If I am technically incorrect, I would ask that the consideration of the Report on that Memorandum should be postponed till the Simla Session. Sir, it seems somewhat difficult to realize the necessity for bringing forward this motion at this stage. The separation of Burma admittedly has not yet been decided upon. There is to be an election, I understand, in Burma to which this specific question will be referred; and it will greatly depend, if not entirely, upon the result of that election—that is, the broad and general issue as to whether Burma should or should not be separated from India will be decided upon. That undoubtedly is the position now. On a previous occasion we had made it absolutely clear that, so far as the separation of Burma from India was concerned, we should not stand in the way of Burma if she decided to separate. That is the position we have taken up and we adhere to it. We, Indians, do not desire the separation of Burma, but if she desires to

12 Nov.

[Sir Abdur Rahim.]

separate, we shall not stand in her way. If Burma desires separation, then the financial adjustments between two countries must be carried out on this principle that it must be fair and reasonable to both parties. There is no question of generosity. We are not here to sacrifice the financial interests of India in order to help Burma to separate. I am not sure that the Honourable the Finance Member also will not agree with this proposition. He is the custodian of the finances of the country, and I am sure he will be the first person to see that adjustments between the two countries are made on a fair and impartial basis. We on this side of the House cannot agree to sacrifice the financial interests of India to help Burma to separate. I believe it is not the desire of Burma, nor does she expect, that we should make sacrifices in that direction. In fact, so far as the representatives of Burma in this Assembly are concerned, they seem to be strongly opposed to separation, and we do not want to do anything in order to help the party which wants separation from India. But if separation is to be made ultimately, that is, if Burma decides on separation, she must agree to a fair adjustment of the financial questions that arise. We are not in a position to express ourselves on the five propositions which the Honourable the Finance Member has laid down for our consideration. It is evident that the questions involved are all extremely complicated and difficult in character, and the Honourable the Finance Member will himself realise that it is not possible for this House now to formulate propositions which will really help in arriving at a proper settlement even in a very general way. We fully recognise that a Board of Arbitration has to be ultimately appointed. But we cannot agree to the appointment of this Board before we have had opportunities of more fully considering this matter. I should go further and say that no such Board should be appointed until Burma has decided to separate. Sir, if the Board be appointed before the question of separation has finally been decided, it really amounts to this, that we should be either throwing away all that has been done in the meantime, or we should be forcing the hands of Burma. Either of two alternatives this House cannot agree to. It is quite as well that the financial position has been examined by my friend Mr. Nixon and Sir Henry Howard, and we have got a valuable Report before us. We have also the Report of the Standing Finance Committee. This has given us certain facts and figures and we shall have to consider those facts, but if we are to go to arbitration now, that really means that we commit ourselves to whatever decisions the Board may arrive at. Surely if the Honourable the Finance Member does not want to commit us at this stage to the appointment of the Board and to a reference to this Board of the questions that have been raised in the Memorandum and in the Report of the Standing Finance Committee, there should be no difficulty in having the consideration postponed till the Simla Session. But we cannot on any account commit ourselves to referring very important financial questions that would arise if Burma is separated to any tribunal before the question of separation itself has been finally decided upon. Sir, the amount involved according to the estimate given us by the Finance Member is 66½ crores, but according to the Congress Report, at any rate according to the Report of Mr. Shah which has been referred to by my Honourable friend Mr. B. Das, it amounts to 100 crores. Surely no decision should be taken even of a general character in the shape of directions or advice to any tribunal on a matter of such importance and such magnitude without giving the House and the parties concerned proper and full opportunities

to consider the whole situation and all the issues that are involved. I may incidentally observe that my Honourable friend Dr. Ziauddin Ahmad has made some observations regarding free trade and the Ottawa Conference which the Leader of the House will attend as one of the members and my Honourable friend Mr. B. Das has taken objection to what he said. I am sure what Dr. Ziauddin Ahmad said was merely his personal opinion and he did not want that his opinion should be accepted either as the opinion of this party or of any sections of the House. As regards the question before the House, I do hope that my Honourable friend Sir George Schuster will have due regard to the position in which this House is placed, for instance there is not a single Member of the European Group present now, and yet questions involving crores and crores of rupees are involved, and the same is the case with many Members on this side of the House. Surely in a House like this, the Honourable the Finance Member will not try to tie our hands in any way or to commit us to any sort of proposition whatever at this stage.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I wish to say only a few words as regards the procedure to be adopted in settling this question. The question of the separation of Burma first came up for discussion in the Round Table Conference and therefore that question, if it is to be finally settled by any organisation or any party, must be settled by the Round Table Conference. The Prime Minister gave an assurance, and a definite assurance, that the Round Table Conference would have an opportunity of discussing the question of the separation of Burma before a final decision was taken on the whole constitutional question.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): There is a separate Round Table Conference for Burma now.

Mr. N. M. Joshi: I am quite aware that there was a separate Round Table Conference for Burma; but if the separation of Burma is to be given effect to, both India and Burma have to be parties to the deed of separation. That deed cannot be signed by Burma alone. I therefore feel that the final settlement of this question has to be arrived at the Round Table Conference and, I am quite prepared to admit, in a Round Table Conference consisting of the representatives of India and the representatives of Burma. But I fail to understand how the Government of India and the Government of Burma come in in this affair. I thought, and the whole country understood, that the constitutional question was going to be settled by the Round Table Conference and not by the Government of India or the Government of Burma. I quite realise that this question of financial adjustment is a complex one and a difficult one; and the Round Table Conference will require the assistance of an expert body in order that this question should be properly discussed, decided and settled. But, I feel that that expert assistance can be made available to the Round Table Conference, and the two sides of that Conference, with the help of the experts which they may possess, will come to a decision, and if they fail to come to a decision, then I admit the question will have to be decided by arbitrators. But as regards the arbitrators themselves, I agree with my Honourable friend the Leader of the Independent Party, that that arbitration should take place after it is decided that Burma should be separated. Otherwise, in my view there is a great danger and that danger

[Mr. N. M. Joshi.]

is this: who is to appoint the arbitrators? I heard some Members say the Secretary of State for India will appoint the Board of arbitrators. Now, I feel that the Secretary of State for India, as well as the British Government, is interested in the question of separation. The question of separation has been forced upon the Round Table Conference primarily by the British Government. When they found that India had to be given self-government, they decided in their minds to create some difficulties for Indians before they got self-government. They decided that, before we got self-government we must accept the control of the Indian Princes. Secondly, they decided that if we are to get self-government at all, we must at least part with Burma. Therefore the British Government, as represented by the Secretary of State, is interested in this question. If he is interested in that question and if he is to appoint arbitrators, the decision of the arbitrators is not likely to be approved of by the British Indians and by the whole of India. (*Opposition cries of "Hear, hear."*) We want the arbitrators to be appointed by an impartial body, a body which is not interested either in the separation or in keeping Burma and India together. It is then only that the arbitration will be accepted by India, and I may say, even by Burma. I therefore feel that this question of procedure is a very important one, and I would like the Honourable the Finance Member to tell me how the Government of India come in in this affair. The Government of India did not take part in the Round Table Conference; the Government of Burma did not take part in the Round Table Conference; this question is a question before the Round Table Conference, and I want to know from the Honourable the Finance Member how the Government of India came in. Even accepting for a moment that the arbitrators will be appointed by an impartial body and the case of India and the case of Burma will have to be put before the Board of arbitrators by some people. I claim that it is not the Government of India and it is not the Government of Burma who are to place the case before the arbitrators of India and of Burma respectively. It is that section of the Round Table Conference which represents India and that other section of the Round Table Conference which represents Burma which should put the case before the Board of arbitrators. I am quite aware of the fact that the Round Table Conference does not consist of financial experts. But the Round Table Conference will have the assistance of such experts. They have on their own body some financial experts; on the staff of the Conference there are financial experts; and, if even they are not enough, these sections of the Round Table Conference can appoint committees of financial experts, who will help them to place their respective cases before the Board of arbitrators. I feel that this financial adjustment is not going to affect the present Government of India as it is, and the present Government of Burma as it is; but the financial adjustment is going to affect the future Government of India and the future Government of Burma; and what position has the present Government of India to represent the future Government of India? And what position has the present Government of Burma to represent the future Government of Burma? It has been admitted by everybody, including the British Government, that the future Government of India is going to be decided by the general Round Table Conference, and I therefore feel that the only party competent to place the case of the future Government of India and the future Government of Burma before the Board of arbitration is the

Round Table Conference or any of its Committees—the Federal Structure Committee or even the Consultative Committee—with the experts which they can command, and not the Government of India or the Government of Burma.

I do not wish to touch upon the question of the debts and currencies and other matters. I would only say just a word or two on that point and it is this. On the whole it is much better both for Burma and for India if we can, in a joint conference, accept some simple principle on which we can make a division of our debts and can arrange other financial matters, instead of going into the correct historical past of the two countries. I am quite aware there is a feeling that Burma should pay for the Burmese wars. I was very glad to hear from my Honourable friend, Mr. Raju, that there is not much justice in that. If anybody is to pay for the Burmese war, it is Great Britain, and neither India nor Burma; and as a Burmese friend reminded me a very short time ago, Burma will be morally right if she claims some compensation from India when India claims that Burma should pay for the Burmese wars. The Burmese were enslaved by the help of Indians with the help of Indian money, and the Burmese will be entitled to claim compensation. I therefore feel that no useful purpose will be served by going into the historical events to settle the question of the adjustment of debts between Burma and India. Let us adopt some simple principle which will be acceptable to both, and the question will be decided very easily. Mr. President, I have done.

Mr. O. S. Ranga Iyer (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): Sir, it is not necessary to make a very long speech on this occasion, but it is very necessary to indicate the complications that are involved in this issue. The question of financial adjustment between India and Burma of the future is a very important question, both from the Indian and the Burman financial point of view. It ranges over a wide field such as currency arrangements in the case of Burma, retaining the course of Indian currency arrangements in the event of Burma introducing a separate currency system. Then there is the debt question, the amount of the debt, the allocation of portions of the debt against productive or commercialised assets, apportionment of certain specific assets and liabilities on territorial grounds, the apportionment of the unallocated debt, the ascertainment of the rate or rates of interest payable on the portion of the debt assigned to Burma, the settlement of the form which Burma's share of the debt should take under the terms of repayment. Then, Sir, there is the question of the pensions. We have the observations on these matters both of Mr. Nixon and Sir Henry Howard, also the opinion of the dissentients in the Standing Finance Committee. Again, Sir, there is the question of reparation and of defence and the general financial results so far as India is concerned on the defence settlement, for it is an obvious fact that India has been paying for the defence of Burma. It is a very old question, and there are references to it even in Mr. Montagu's diary and in the earlier debates of the old Imperial Legislative Council, when you, Sir, the late Mr. Gokhale and others used to take part in the discussions. The Congress has already expressed its opinion in voluminous documents regarding the historical aspect which Mr. Munshi ought to have taken notice of before he described Mr. Nixon as asking for a pound of flesh without a drop of blood, for the historical aspect, I am certain, did not appeal to Mr. Nixon, though the historical aspect involves something to the extent of 90 crores of rupees, as revealed in the Appendix to

[Mr. C. S. Ranga Iyer.]

the financial Report of the Simon Commission, in which the following passage occurs:

"On the question of the debt there has been much discussion. . . . From the time of the conquest of Burma onwards that the cost of these wars is debited to Burma she has practically throughout her association with India been a deficit province and these deficits accumulated. . . . and at compound interest the amount is now 90 crores. . . ."

I do not want to read much from that document. I only mention these facts, because these facts have got to be carefully gone into. The Government of India in their despatch, relevant passages from which are quoted both in the Memorandum of the Nixon Report and also in the discussions by way of footnote to the Round Table Conference, had stated: "We believe that a Committee of the Privy Council would be the sort of tribunal most likely to satisfy Indian opinion". Sir, a Committee has got to be appointed, and the very fact that they want to appoint a Committee of the Privy Council shows that they are inclined to the Opposition view that the Committee has got to be impartial. The opinion on this side is that it would be good to refer the matter to the League of Nations and an impartial tribunal appointed by the League of Nations. There are difficulties in this matter, and I for my part have no definite opinion as to whether it should be left to the League of Nations or to the Privy Council Committee, for the very simple reason that both Burma and India are not going out of the British Empire, and therefore they should be able to find an impartial tribunal from within the British Empire itself. (Hear, hear.) At the same time, every attempt should be made to see that the Commission is impartial. The Finance Member has said that the members of the Standing Finance Committee would be associated in this matter, and I would strongly suggest to the Finance Member to take Members of the Opposition Benches, who are in the Standing Finance Committee. I am not particular either about supporting the motion for postponement or for that matter opposing it; but what we are really concerned with is this, that Indian interests must be protected now that Burma is cutting the painter so to say so far as India is concerned. The moment Burma cuts the painter, it becomes necessary for the Government of India to see to it that Indian interests are adequately protected. Mr. Nixon has been a moderate in that respect, and in my own opinion Sir Henry Howard has been something in the nature of an extreme advocate of Burmese claims. With these observations, I resume my seat.

Mr. B. V. Jadhav: Sir, the present motion before the House is to consider the Report of the Standing Finance Committee on the Howard-Nixon Report, and this side of the House desires that the consideration of the whole question should be postponed till the next session. But the argument advanced by the Honourable the Finance Member yesterday was that this House ought to consider this question now because there is no knowing when the Government of Burma might force the hands of the Government of India and ask them to decide what precise amount was to be paid by Burma to India in the event of separation. For that purpose the appointment of an impartial tribunal will be necessary, and the deliberations of the tribunal will take some time, and as the Government of Burma may desire that the decision should be put before their elections take place and as the figure of the debt of India due by Burma will be one

of the arguments for or against separation that figure should be made known. That is, as I understand the position, the argument of the Finance Member. I may point out, Sir, that this argument does not appeal to me. If Burma wants separation from India, it ought to be on the ground whether the connection of Burma with India is advantageous to her or not. If it is not advantageous to her, and if Burma expects that she can advance her interests adequately and more favourably by separation, then of course she has the right to separate from India. But if the Burmese people find that their future advancement will lie with the advancement of India, they will be perfectly justified in deciding that Burma should remain with India. The question of how many crores of rupees should be paid by Burma to India does not come in at all. Is it the argument of the Finance Member, or for that matter of the Government of Burma, that the question of the separation of Burma from India is to be decided by the amount of the debt? If it is a bigger debt, then Burma will not like to pay that big amount and would like to remain with India, and if it is a smaller amount, is that to be an inducement for Burma to go out of the Indian Empire? I do not think that the Government of Burma will be justified in forcing the hands of the Government of India in asking them to decide this question this summer, and for that reason I claim that the consideration of this question ought to be postponed till the next session. There is no hurry about it. Let the Burmese people decide whether they would like to remain within the Indian Empire or to go out of the Indian Empire, and then there will be time enough, before the actual separation takes place, to decide what amount is due by one side or the other. I have to say that the connection of Burma with India was not of India's own choosing. India was under a perpetual tutelage of the British people, and I do not know how long that tutelage is going to continue. We have been put under guardians, and our guardians chose that a foreign member should be introduced into the family. Burma was given in adoption to India against her will, and for that purpose a huge amount of debt was incurred and India was saddled with that debt as if the whole estate was managed for the advantage of India. Burma now wants to go out, or it has been shown that Burma wants to separate, and I think it is the desire of the guardians of both the countries that they should now separate. But on what terms? Burma has not become a major. Burma was once a major, but in order to bring her under the guardianship of the British Government her ruler was taken a prisoner and brought to Ratnagiri. In that way Burma was reduced to the position of a ward and was taken under guardianship. Now, this farce of joining Burma to India and separating Burma from India is to be carried on, not in the interests of India, nor in the interests of Burma, but perhaps in the interests of Great Britain, the trustee, the guardian. I for my part am not satisfied with the whole procedure that is being carried on in the special Burma Round Table Conference, and now in the Howard-Nixon conversations, and the future tribunal that is going to be appointed. I want to press again that the whole thing, the settlement of the financial questions, ought to be postponed till the question of separation of Burma is decided by an independent vote of the Burmese themselves. India never wanted Burma and would not like to keep her against her will within the Indian Empire, but if Burma wants to go out, she ought to be free to go out and seek her own destiny. I think that the consideration of this question ought to be postponed till the next session, and as I see it, there is no hurry to decide it now.

An Honourable Member: Let the question be now put.

(At this stage Mr. Jehangir K. Munshi rose in his seat.)

Mr. President: You have already spoken.

Mr. Jehangir K. Munshi: I spoke only on the amendment, Sir.

Mr. President: The whole question was before the House. Sir George Schuster.

The Honourable Sir George Schuster: While it is still fresh in my mind, I should like to reply to my Honourable friend from Bombay who has just spoken. He referred several times to "my arguments". According to him I was responsible for certain arguments for pressing the consideration of this business at the present stage. I would remind him that I tried yesterday to explain the position very clearly to the House. And the position is this. We understand from the results of the Round Table Conference and from the statement made by the Prime Minister in his speech winding up the Burma Round Table Conference that the general view accepted then was that, before the public of Burma were asked to decide on the issue of separation, they should have the financial issues put before them. That is the position with which we are confronted. It is not our decision, and it is not my argument. That being the position, we felt that it was right, and in fact it was our duty to put the matter before the House in the course of the present session because, as a result of the procedure which apparently is going to be adopted, it may be necessary to advance the consideration of this question in the course of the next Summer months.

Mr. B. V. Jadhav: May I know whether it is a reasonable one?

The Honourable Sir George Schuster: I am only putting this to my Honourable friend because it is important in discussing the whole matter in this House to remember that this is not our argument, it is not our position, and we are not really in a position to decide on this question. It is a question with which the Round Table Conference has been seized and on which the Round Table Conference has decided that a certain line should be adopted. I shall come back to that point again, but I wish to correct my Honourable friend's apparent misunderstanding of what the position is.

On the question of the whole debate, I think on the whole we may congratulate ourselves on the debate having served a very useful purpose. The House in arguing for the postponement of any discussion has in fact managed to have quite a useful discussion on the main issue, and I feel from the speeches that I have heard that there is a good deal to be got and that it will be useful to us to have those speeches on record. But I am in some difficulty in understanding precisely what the general opinion of the House on this matter is. I think it may be definitely said that, so far as any one has spoken on this matter, no one is really opposed to the principle of referring these issues to Arbitration.

Sir Abdur Rahim: But not now.

The Honourable Sir George Schuster: I am coming to that point afterwards. The principle of decision by a Board of Arbitrators can, I think, be taken to be generally accepted. My Honourable friend Mr. B. Das has made a suggestion as to how those arbitrators should be appointed, and I confess that I was very glad to hear what fell from the Leader of the Nationalist Party on that question. This is really an Empire question and it is an amazing suggestion of my Honourable friend that it is necessary to go outside the Empire in order to get an impartial tribunal for deciding a question of this kind.

Another point on which I tried to get some guidance was whether the House was satisfied with the proposal that the Standing Finance Committee should be associated with the arguing of the case before the Board of Arbitration. Honourable Members were on the whole very silent on that point. Judging from what was said by certain members of the Standing Finance Committee itself, I gained the impression that they were not very favourably disposed to that proposal because they were so very anxious to disclaim any right to describe themselves as financial experts. They have even written of themselves in some apologetic tone in their own Report. I must say, having heard the speeches that they made to-day, I was left in some doubt as to whether they felt themselves qualified to represent the case before the arbitral tribunal. Nevertheless, that is the recommendation of the Round Table Conference, and in the absence of any definite decision to change that, that recommendation will be carried out. But I have heard in addition to that, the suggestion that other representatives might also be associated with the arguing of the case. That is a point which the Government of India could certainly take up and represent to His Majesty's Government.

Then finally,—for I leave aside the actual discussion of the issues involved, because for one thing I do not want to enter into any further argument on these, and for another I would remind the House that the essence of the case is that those issues should be submitted to arbitration—finally I come to the main point asking for delay. I would ask the House what precisely they expect to gain by delay. Certain suggestions have indeed been made as to what should be done, but I would remind the House that there has already been a considerable amount of time spent over considering this matter. The financial experts' Report was actually put before the Standing Finance Committee last September. The Standing Finance Committee did not wish to discuss it then; they wished to have time to study it, and since then I have certainly done my best to secure a proper discussion of that Report. I mention that fact not in any way to criticise what has been done or to criticise the delay, nor indeed as suggesting that we are not willing to listen to the demand which has been made for further time for consideration, but I would ask Honourable Members to appreciate the practical difficulties. Here we have got a Committee of this Assembly, which is peculiarly qualified to study financial questions. It is elected for that purpose, and that Committee has had this Report before it for considerably over six months. There has been ample time to study it, and it is a criticism that could be made of our procedure from outside that it is not reasonable for us to be asking for further time when we have already had so much time to consider the matter. Therefore I want to put this to the House, that

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[Sir George Schuster.]

precisely they propose should be done, and whether we really can advance this matter any further at the present stage, always having in mind that the procedure which is proposed is that the issues should be decided by a Board of Arbitration, and that all that is necessary is to prepare a brief for those who are going to argue India's case before the Board of Arbitration. As regards that, although as I have said I do not wish to go into the purely technical issues, I can say this, that having heard the line that some Members would like to take, we will certainly take account of that line on such a question as to whether India's claim as regards the debt is to be assessed by the historical method or not. I told the House yesterday that that point having been raised and certain opinions having been expressed in favour of that method of approach, we should certainly give it further consideration and the Government representatives, if Government is represented before the tribunal, will further discuss that matter with the representatives of the Standing Finance Committee.

Now, Sir, perhaps the most useful way of concluding what I have to say now would be to take the speech of my Honourable friend the Leader of the Independent Party, who took a very definite line on the whole question. I should like to take the points that he made. In the first place he said that the adjustment must be fair; that we cannot afford to be generous, nor should we make separation unduly attractive to Burma by making the financial settlement a generous settlement, a settlement which went further than it ought to go on the strict merits of the case. I entirely agree with every word that fell from my Honourable friend. I will only add this,—picking up what I said myself in my speech yesterday—that if separation is a settled issue, if the public of Burma has decided in favour of separation,—and my Honourable friend agrees that if they do so decide India should not stand in their way,—then we shall have to consider not only the mere financial issues, but we shall have to take account of the future relations between the two countries, and, taking that into account, I think it is important that the financial adjustment should be made in a reasonable way, in a way which is likely to lead to amicable relations in future. I think that all that I have said on this matter is included in my Honourable friend's own description that the settlement must be fair.

Then, Sir, my Honourable friend further went on to say that he was not in a position to express himself, nor were his party in a position to express their views on the five propositions, which I laid down. I would remind him that I laid down no propositions. I merely called the attention of the House to what were the main issues in this whole question.

Sir Abdur Rahim: Propositions laid down for consideration. That is all I said.

The Honourable Sir George Schuster: I apologise. I understood my Honourable friend said that I had laid down certain propositions, and I do want to remind the House that, so far, we, the Government of India, have accepted no particular line in dealing with these issues. We have before us the Howard-Nixon Report, and we have before us the Report of the Standing Finance Committee, which—and I would remind my Honourable friend Mr. Ranga Iyer of this,—which, not only in its

dissentient minute, but in the body of the Report, differs in some very considerable respects from the suggestions made by Mr. Nixon in his Memorandum. We have these before us, and we think that it is on the basis of these propositions that we can argue our case before the arbitral tribunal. In this connection I would draw the attention of the House to what the Standing Finance Committee themselves said on this matter,—and this is a Committee of the House which presumably the House is prepared to support:

"The Committee has felt some difficulty in performing the task allotted to it owing to the highly technical nature of many of the issues which are involved. For this reason and also because it has had no opportunity of hearing arguments on the other side, it has been reluctant to express final views. Moreover, it strongly supports the view expressed by the Government of India in their despatch on Constitutional Reforms of September 20, 1929, that the main issues should be submitted to an Arbitral Tribunal.

The Committee wishes its expressions in this report to be interpreted in the light of the foregoing observations. Such expressions must be regarded essentially as advice to the Government of India as to the manner in which the case should be argued from the Indian side, and not necessarily as indicating that this Committee would not consider acceptable any other solutions than those which it has indicated."

That, Sir, I submit, is as far as any one can go at the present stage, and after that, if we are going to submit to an arbitral tribunal, the actual decision will rest in their hands, not in the hands of the two parties to the arbitration.

Then, Sir, my Honourable friend further went on to say that he accepted the principle of the Board of Arbitration but he could not agree to the appointment of the Board before his party and the House generally have had a further opportunity of considering the matter, and further he argued that the Board should not be appointed until the actual issue of separation has been decided by Burma. Now, Sir, on that point I take note, and the Government will take note, of the position adopted by my Honourable friend, but I would remind him, as I have already reminded the House, that the power to decide this point as to when the arbitration is to take place does not rest with this House and it does not rest with the Government of India. We can represent the views expressed by this House to His Majesty's Government at home and that we shall certainly do; but we cannot decide here whether arbitration is to be postponed or not.

That really brings me to the point which will arise when we have to consider what action is to be taken on this motion. This House of course can perfectly well decide to postpone discussion of this motion, but I must put it to the House that it is not in their power to decide whether arbitration is to be postponed or not. We wished in bringing this motion before the House to ascertain the views of the House and certainly not to out-vote the House on the matter, and if the House wishes to postpone the discussion, we on this side will certainly not stand in their way. But we cannot go further—and I should be misleading the House if I said more than this—we cannot go further than undertake to represent His Majesty's Government the views that have been expressed today. I can assure the House that we shall do that, and that we shall take note of all the other suggestions that have been made; and I hope if the arbitration does proceed, and if the Government of India are led to arg

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the case, that we shall be able to do it in a way, and to gather to ourselves assistance of a nature, which will satisfy the House that we have made the best effort that was possible to present the case and to secure a fair decision. (Loud Applause.)

Mr. President: The question is:

"That the consideration of the motion be postponed till the next Simla Session."

The motion was adopted.

The Assembly then adjourned *sine die*.

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- of Railway Officers in divisions or at headquarters. 59.
- of staff in the office of the Deputy Controller of Currency, Madras. 28-29.
- of superior officers on State Railways. 1533-34.
- of the appointments in Arsenals of certain men brought from Arsenals to Army Headquarters. 2575-76.
- of the employees of the North Western Railway. 655-56.
- of the post of Superintendent of Post Offices at Dacca. 711-12.
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- Recommendations of —. 378.
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- Standard of training of apprentices in the —, Ishapore. 1261.
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Question *re* construction of a — at Mingaladon Cantonment. 2577-78.

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Question *re*—
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ROYAL COMMISSION ON LABOUR—

Motion to reduce Demand for—
 "Executive Council" *re* —. 2145-55.
 Question *re* report of the —. 1528-29.

RUBBISH—

Question *re* dumping of — outside the Turkman and Delhi Gates. 1238-39.

RULE(S)—

Question *re*—
 Family Pass — on the North Western Railway. 2397-98.
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RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR IBRAHIM RAHIMTOOLA)—

Ballot—

Honourable Members whose names were called can exercise their right of voting till the — is closed. 378.

Bill(s)—

An Honourable Member is perfectly entitled to give expression to his own view as to what principles are underlying a — as it stands before the House. 185.

Previous sanction of the Governor General is necessary to move an amendment to extend the period of taxation. 689.

The Chair is bound to protect the rights and privileges of the House and would not allow any very controversial measure to be sprung upon the House at the last moment, but public business has to be done and it is for elected members to decide whether they will avail themselves of the opportunities provided for contributing towards it. 2921.

Cut Motion(s)—

In the case of —, the Mover is entitled to reply. 1329.

Demand(s) for Grant(s) — General Budget—

The question of subvention to the North-West Frontier Province is out of order under the — in respect of the Legislative Assembly and Legislative Assembly Department. 2289.

Demand(s) for Grant(s)—Motion(s) for Reduction—

Motions for practical elimination of the whole Demand will be entertained on the only ground that the Honourable Member wishes to refuse supplies because he does not approve of the whole policy underlying the Demand.

Motions for a cut of a nominal figure can be moved to ventilate a specific grievance, but the attempt to obtain priority for cut motions ventilating specific grievances, by moving for whole cuts or practically whole cuts, or very large cuts, cannot be allowed and it is desirable, in order to facilitate the arrangement of priority, that Honourable Members moving for cuts to ventilate specific grievances, should adopt a uniform figure of cut of Rs. 100. Honourable Members, in giving notice of such a cut motion, should restrict themselves to one specific grievance, but there is no limit to the number of cut motion which an Honourable Member may move to ventilate specific grievances. Honourable Members are entitled to move that a Demand be reduced by any amount with a view to effect economy, but in discussing such motions, it is relevant to discuss only how that economy can be effected. 1321-22.

Demand(s) for Grant(s)—Motion(s) for Reduction—Railway Budget—

The subject dealing with the specific grievance of coal purchases cannot be held to be relevant to the motion *re* favouritism in the railways as that word, as explained by the Honourable the Mover, cannot be construed to cover the particular subject which the Honourable Member (Mr. A. H. Ghuznavi) wishes to raise. 1437.

Demand(s) for Supplementary Grant(s)—

No Honourable Member can move a cut motion if the subject matter which he wishes to discuss does not arise under the provision for which a — is asked for. 1829, 1830-31.

Executive Council—

As the — is in charge of the entire policy of administration of the Government of India, Honourable Members are in order, when discussing the Demands under the General Budget, in criticising the policy pursued by the — in the administration of collieries which supply coal only to the railways. 2163.

Interruptions—

In the interests of good debate, Honourable Members should abstain from interrupting very frequently. 2250-51.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR IBRAHIM RAHIM-TOOLA)—(contd.)

List of Business—

With the unanimous consent of the House variations in procedure can be allowed. 938.

Miscellaneous—

An Honourable Member cannot ask another Honourable Member to get up and give answers to him. 2154.

As directors of companies, Honourable Members are not personally and directly interested in the contract of the managing agents of such companies and are in order in taking part in the discussion. 2159.

As this House is concerned with public business only, Honourable Members cannot deal, and ought not to deal, in the House with matters which may happen inside parties at their meetings or even inside meetings held by them outside the House. 2295-96.

Honourable Members should restrict themselves to the issue before the House. 1541, 1547.

It is not desirable that any discussion of what happened at party meetings should take place in the House as far as possible, and unless the question of principle is involved, it should not be brought on the floor of the House. 2250-51.

It is perfectly parliamentary to say that the statement made by an Honourable Member is incorrect. 422.

It is unparliamentary to attribute personal motives to Honourable Members. 1964.

Newspapers are not allowed to be read even if they concern the subject under discussion. 2631.

Newspapers should not be read in the Chamber. 1878, 2830.

No Honourable Member can introduce new matter in his reply; he can reply duly to the points which have arisen in the debate. 1462.

No offensive expression is permitted in the House and if the word "rubbish" is believed to be offensive to anyone, it must be withdrawn. 296.

Personal remarks are not permitted. 558.

Repetition in regard to one issue cannot be allowed. 1453.

Responsibility for mentioning private talks in the House rests with the Honourable Member who divulges them. 1433.

The Chair cannot deal with matter appearing in the Press except what directly affects the business of the House. 1080.

Time spent in interruptions cannot be added to the time allowed to each Honourable Member. If he objects to the interruptions, he need not yield. 1267.

Point of Order—

Honourable Members must give way on a —. 1342.

Honourable Members must give way when a — is raised. 1342.

Honourable Members raising a — should take adequate care to ascertain the facts before making allegations. 2159.

Question(s)—

Honourable Members in asking — are not allowed to make suggestions for action. 27.

It is open to any Honourable Member when a supplementary — is put to raise a point of order as to whether it was a proper supplementary question, but such points cannot arise at a later stage. 1617.

No — can be asked when a point of order is raised. 1610.

Replies to — however long are to be read out in the House. 1312.

Replies to — laid on the table cannot be read in the House. If any Honourable Member wishes to elicit further information on the subject, he should give notice to get it. 1610.

RULING(S) BY MR. PRESIDENT (THE HONOURABLE SIR IBRAHIM RAHIM-TOOLA)—(concl'd.)

Question(s)—(concl'd.)

The practice of sending answers to certain questions to only the Member concerned is not correct procedure. An Honourable Member asks questions with the authority of the Assembly, and the Assembly as a whole is entitled to know the replies to admitted questions given by the Treasury Benches. It is therefore necessary that all questions which have been put in the Assembly should be replied to in the Assembly. 612.

When an Honourable Member asks a question whether Government are aware of certain things, it is perfectly open to Government to say, no they have no knowledge about them. 2214.

Resolution(s)—

An amendment to a resolution, which widens the scope of the original resolution, is out of order. 844-45.

Select Committee(s)—

Honourable Members are not entitled to discuss the proceedings of —. 1890.

Honourable Members whose names are included in the proposal to serve on a — are entitled to get up and say that they should be excused from such service. 434.

RUPEE(S)—

Question re payment of pensions of members of the Indian Medical Department in — or Pounds. 1127-28.

RUPEE SECURITY(IES)—

See "Security(ies)".

RUTLAM—

Question re construction of railway lines between Dohad or — and Galiakot. 358.

RYAN, Mr. T.—

Oath of Office. 13.

Statement (laid on the table) by — re subsidy paid for the Mail Motor Service between Salem and Athur. 2852.

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SADHU(S)—

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LEGISLATIVE ASSEMBLY.

[14TH MAR. 1932.]

PAUCITY OF MUSLIMS APPOINTED TO THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

749. *Mr. M. Maswood Ahmad: (a) Will Government be pleased to state if it is a fact that 30 appointments have very recently been made in the office of the Deputy Accountant General, Posts and Telegraphs, Delhi; if not, will Government be pleased to give the correct number?

(b) If the reply to part (a) above is in the affirmative, will Government be pleased to state if it is a fact that out of the total 30 appointments, only four have been given to Muslims; if not, will Government be pleased to state the correct number of Muslims appointed?

(c) If the reply to part (b) above is in the affirmative, will Government be pleased to state whether the Deputy Accountant General, Posts and Telegraphs, disregarded the instructions of the Home Department for the recruitment of Muslims in his office? If so, what action is proposed to be taken against the Deputy Accountant General?

The Honourable Sir George Schuster: Enquiry is being made and a reply will be laid on the table in due course.

APPOINTMENT OF MUSLIMS IN CIVIL ACCOUNTS OFFICES.

750. *Mr. M. Maswood Ahmad: (a) Will Government be pleased to state if it is a fact that the Controller of Civil Accounts has issued instructions to the different Accountants General on the method of future recruitment? Do these provide for the allotment of appointments to Muslims according to the proportion fixed by the Home Department?

(b) If not, are Government prepared to direct this Controller of Civil Accounts to issue orders following those issued by the Home Department; if not, why not?

The Honourable Sir George Schuster: (a) and (b). Instructions have recently been issued by the Controller of Civil Accounts dealing with certain aspects of recruitment. These however make no reference to any communal basis of selection because on this subject the policy of Government has already been clearly laid down and is well understood.

EMPLOYMENT OF MUSLIMS IN THE TELEGRAPH DEPARTMENT.

751. *Mr. M. Maswood Ahmad: Will Government be pleased to refer to their reply to my unstarred question No. 89 (dated 22nd February, 1932) which runs as under:

"The correct figures for the whole of India as they stood on 15th May, 1930, are as follows:

Telegraph Engineering and wireless branches.				Telegraph Traffic Branch.			
Europe-ans and Anglo-Indians.	Hindus.	Muslims.	Other commu-nities.	Europe-ans and Anglo-Indians.	Hindus.	Muslims.	Other commu-nities.
170	24	2	5	59	34	..	3 "

LEGISLATIVE ASSEMBLY

Monday, 14th March, 1932.

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

MEMBERS SWORN:

Mr. Panambur Raghavandra Rau, M.L.A. (Financial Commissioner, Railways); and

Mr. John Carson Nixon, M.L.A. (Government of India: Nominated Official).

QUESTIONS AND ANSWERS.

CANCELLATION OF A PASSPORT GRANTED TO SIRDAR HARBANS SINGH, A MERCHANT OF SISTAN.

747. *Sardar Sant Singh: (a) Is it a fact that the passport granted to S. Harbans Singh, Indian merchant of Sistan in 1923 has been since cancelled?

(b) Was any application for the grant of a fresh passport made by the said person? If so, with what result?

Sir Evelyn Howell: (a) Yes, Sir. In 1924 the passport granted to S. Harbans Singh was cancelled.

(b) Yes, Sir. It was refused.

SUBSIDY PAID FOR THE MAIL MOTOR SERVICE BETWEEN SALEM AND ATHUR.

748. *Mr. Uppi Saheb Bahadur (on behalf of Mr. D. K. Lahiri Chaudhury): (a) Is it a fact that the Superintendent of Post Offices, Salem, paid on his own authority the subsidy from March, 1931, for the mail motor service between Salem and Athur to a certain motor proprietor of his own choice?

(b) Are Government aware that there was no regular contract between Government and this proprietor of the motor bus service?

(c) If the replies to the above be in the affirmative, are Government satisfied that the action of the Superintendent of Post Offices, Salem, in paying a subsidy to a motor bus service proprietor without any formal contract with the latter is in order?

(d) Is it a fact that the authority of the Postmaster General is necessary for such a transaction? If so, was it obtained by the Superintendent of Post Offices, Salem? If not, do Government propose to take any action against the latter? If not, why not?

Mr. T. Ryan: Information is being collected and will be placed on the table of the House in due course.

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